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COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS

SUPERIOR COURT  
C.A. NO.: 2276-CV-212

ANN GROCHMAL,

Plaintiff,

v.

AMERICAN INSTITUTE FOR ECONOMIC  
RESEARCH, GREGORY M. VAN KIPNIS,  
and JEFFREY TUCKER,

Defendants.

THE COMMONWEALTH OF MASSACHUSETTS  
BERKSHIRE S.S. SUPERIOR COURT

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*Richard Shapiro*

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS COMPLAINT**

Pursuant to Mass. R. Civ. P. 12(b)(6), Defendant Jeffrey Tucker ("Tucker"), hereby moves to dismiss Plaintiff's Complaint. In support of his Motion, Tucker states as follows:

**I. Introduction**

The underlying matter arises out of Plaintiff's claims of employment discrimination under G.L. c. 151B. Plaintiff is a former employee of the American Institute for Economic Research ("AIER"). Plaintiff alleges that AIER and its present and former employees engaged in discriminatory conduct which ultimately led to her constructive discharge on October 2, 2021. Through her Complaint, Plaintiff asserts claims for: (1) Gender Discrimination; (2) Sexual Harassment; (3) Hostile Work Environment and (4) Retaliation.

It is undisputed that "[d]iscrimination claims under Title VII and Chapter 151B must be pursued administratively prior to the filing of a lawsuit, and that the failure to timely file an MCAD charge requires the dismissal of any subsequent lawsuit." *Harrington v. Lesley University*, 554 F. Supp. 3d 211, 221 (D. Mass. 2021). In the underlying matter, Plaintiff did not file her MCAD Charge

*JS*

until February 24, 2022. Therefore, the alleged conduct forming the basis of her complaint must have occurred within 300 days prior to the filing of the Charge, or April 30, 2021. As the following will demonstrate, a majority of the alleged wrongful conduct occurred well outside the 300-day limit. And, although some alleged conduct occurred within this timeframe, the continuing violation doctrine does not otherwise render Plaintiff's claims timely since she had formed a belief, as early as December 2019 (and one that never waived), that Tucker's conduct (and that of the Defendants) allegedly constituted discrimination, and that AIER was allegedly unwilling to do anything to remedy the same. Aware of her claims, Plaintiff failed to timely file her MCAD Charge, and the underlying lawsuit based upon the untimely MCAD Charge must be dismissed.

Plaintiff's Complaint is subject to dismissal for several other reasons. With respect to her claim for gender discrimination, a majority of the complained of conduct was not directed at Plaintiff. Since the alleged conduct was not addressed to or suffered by Plaintiff, she cannot seek recovery in this regard. With respect to her claim for hostile work environment, the alleged conduct was not undertaken by Tucker. To the extent she asserts such a claim, Plaintiff only alleges a few unrelated innocuous remarks which allegedly occurred over a nearly one-year period. Such attenuated and infrequent conduct cannot serve as the basis for a hostile work environment claim. Furthermore, there are no express allegations of sexual harassment against Tucker which would otherwise serve to support such a claim. Finally, Plaintiff alleges a claim for retaliation, but Tucker had already resigned from his position at AIER at the time of the alleged retaliatory conduct and certainly by the time Plaintiff was allegedly constructively discharged. Thus, there is no claim against Tucker in this regard.

## **II. Statement of Facts<sup>1</sup>**

Plaintiff is female. *See* Plaintiff's Compl., attached as Exhibit A, ¶ 5. Plaintiff began working for AIER in August 2019 as the Academic Program Administrator. *Id.*, ¶ 6. One aspect of her job duties entailed overseeing the Internship, Visiting Fellow and Visiting Scholar Programs, which included managing travel, visitation, residential and workplace community experiences for the interns, fellows and scholars during their stay at AIER. Additionally, Plaintiff coordinated logistics planning for on and off campus academic conferences, including the application process, travel and event activities. *Id.*, at ¶ 8. AIER has a large campus, which consists of a number of buildings, including an office, library, an adjoining stone manor house, detached apartments and a gatehouse in Great Barrington, Massachusetts. *Id.*, at ¶ 9. AIER houses many of its employees, interns and affiliated professional on the premises. *Id.*, at ¶ 10<sup>2</sup>.

## **III. Plaintiff's Claims**

Without differentiation, Plaintiff alleges the following claims against all Defendants<sup>3</sup>: (1) Gender Discrimination; (2) Sexual Harassment; (3) Hostile Work Environment and (4) Retaliation.

## **IV. Legal Standard**

In considering a motion to dismiss under Rule 12(b)(6), the court accepts "the facts alleged in the complaint as true and draw[s] all reasonable inferences in plaintiff's favor." *Edwards v.*

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<sup>1</sup> Plaintiff's statement of facts is accepted as true for purposes of this motion to dismiss. Otherwise, Tucker denies the materials allegations set forth in Plaintiff's Complaint.

<sup>2</sup> The remainder of Plaintiff's statement of facts are incorporated into Tucker's argument as appropriate.

<sup>3</sup> Plaintiff's pleading in this regard constitutes a shotgun pleading insofar as she lumps together the defendants without identifying which is allegedly responsible for which violation. *See, e.g., Sires v. Heffernan*, 2011 WL 2516093 at \*5 (D. Mass. Jun. 21, 2011) ("To provide the notice required under Rule 8(a), a plaintiff cannot 'lump' defendants together when it cannot be reasonably inferred that all of the defendants were involved in the alleged misconduct, or it is otherwise not clear to which defendant or defendant the plaintiff is referring."). Each count also incorporates all allegations that immediately precede it, further rendering it a shotgun pleading. *See, e.g., Weiland v. Palm Beach County Sheriff's Office*, 792 F. 3d 1313, 1321 (11th Cir. 2015) (identifying "a complaint containing multiple counts where each count adopts the allegations of all preceding counts as a shotgun pleading."). If not dismissed outright, Plaintiff should be required to provide a more definite statement as to which defendant is liable for which conduct.

*Commonwealth*, 477 Mass. 254, 260 (2017). However, “we do not regard as ‘true’ legal conclusions cast in the form of factual allegations.” *Baptiste v. Executive Office of Health and Human Services*, 97 Mass. App. Ct. 110, 114 (2020). To survive a motion to dismiss, the facts alleged must “‘plausibly suggest not merely be consistent with’ an entitlement to relief.” *Iannacchino v. Ford Motor Co.*, 451 Mass. 623, 636 (2008). “The plausibility standard is not akin to a ‘probability requirement’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Moran v. Benson*, 100 Mass. App. Ct. 744, 746 (2022). “A complaint only survives a motion to dismiss if it includes enough factual heft “to raise a right to relief above the speculative level.” *City of Revere v. Massachusetts Gaming Commission*, 476 Mass. 591, 609 (2017); *Verveine Corp. v. Strathmore Insurance Company*, 184 N.E.3d 1266 (2022) (“A motion to dismiss will be granted unless the factual allegations in the complaint are “enough to raise a right to relief above the speculative level based on the assumption that all the allegations in the complaint are true (even if doubtful in fact)”).

## **V. Argument**

### **a. Plaintiff Failed to Timely File her MCAD Charge Thereby Requiring Dismissal of Her Complaint**

Discrimination claims under G.L. c. 151B must be administratively pursued prior to the filing of a lawsuit. *See Bonilla v. Muebles J.J. Alvarez, Inc.*, 194 F. 3d 275, 277-78 (1st Cir. 1999). A state plaintiff must file an administrative charge with the MCAD “within 300 days of the occurrence of the alleged harassing or discriminatory event or events.” *See* G.L. c. 151B, § 5. The limitations period for filing a complaint begins to run when the complainant has sufficient notice of the specific act of which he complains. *Adamczyk v. Augat, Inc.*, 52 App. Ct. 717, 721 (2001). “The proper focus [for determining when a statute of limitations period commences] is upon the time of the discriminatory acts, not upon the time at which the consequences of the acts became most painful.” *School Comm. of Brockton v. Mass. Comm’n Against Discrimination*, 423 Mass. 7, 11, n.

9 (1996). “Plaintiff bears the burden to demonstrate that she filed her complaint with MCAD within 300 days and also that she filed this action within three years of the alleged discrimination.” *Mark-Bell v. Massachusetts Bay Transp. Authority*, 2020 WL 6530721 at \*5 (Mass. Super. Jul. 17, 2020). The MCAD filing requirement has a dual purpose, first to give the agency an opportunity to investigate and conciliate the claim, and second to give a defendant notice of a potential suit. *Hall v. FMR Corp.*, 559 F. Supp. 2d 120, 124 (D. Mass. 2008). The failure to file a timely charge of discrimination with the MCAD requires the dismissal of any subsequent lawsuit. *Id.*

In the underlying matter, Plaintiff did not file her MCAD Charge until February 24, 2022<sup>4</sup>. See MCAD Charge, attached as Exhibit B. Therefore, any alleged conduct forming the basis of her claim must have occurred after April 30, 2021 (within 300 days). As the following allegations demonstrate, the alleged conduct at issue took place primarily outside of the 300-day period, beginning as early as December 2019:

21. Starting circa **December 2019, January-February 2020** and continuing throughout her employment at AIER, Mrs. Grochmal also complained multiple times to her boss, Brad Devos, about the sexual harassment and sexually hostile environment. He responded that Mrs. Grochmal should “not get involved.” He stated that Jeffrey Tucker had done this at his previous jobs and that it was only a matter of time before Jeffrey was his own demise. Mr. Devos took no action.

22. In the **Spring of 2020**, Mrs. Grochmal complained to the AIER Resources department about this behavior, including the expectation that employees and visitors drink with management after work, the blurring of lines between work and socialization, the inappropriate discussion at work, and the abuse of power by management which result in Mrs. Grochmal and other employees feeling threatened, intimidated and unsafe at work. Despite these complaints, no action was taken.

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<sup>4</sup> Consideration of Plaintiff’s MCAD Charge does not otherwise convert the motion to dismiss into one for summary judgment.” *Wong v. Resolve Technology*, 2011 WL 3157198 at \*9 n. 1 (D. Mass. Jul. 25, 2011) (“Resolve’s motion introduces exhibits of the administrative charge of discrimination, including the MCAD charge and the MCAD’s decision. Consideration of these exhibits does not convert Resolve’s motion to dismiss to one for summary judgment.”)

25. In May 2020, Jeffrey Tucker told Mrs. Grochmal that he had previously been sued for sexual harassment at AIER and the woman was a “slut” and a “gold digger.”

26. Circa November/December 2020/January 2021, a female employee told Mrs. Grochmal that she was washing dishes in the AIER Gatehouse when Jeffrey Tucker came up behind her and started massaging her. The intern told Human Resources who sent a Slack message stating that employees were not to give massages to each other. No other action was taken at and AIER deleted the slack message.

27. In early 2021, Mrs. Grochmal observed Jeffrey Tucker’s girlfriend, a member of staff, having a panic attack as a result of a lover’ spat with Mr. Tucker on AIER premises and Mrs. Grochmal was told that there were physical and verbal fights between upper management and their staff lovers occurring in public spaces of AIER buildings.

29. On many occasions but more aggressively in early 2021 Jeffrey talked to the interns, fellows and employees about his sexual and romantic relationships with their co-workers, which made them uncomfortable.

31. On January 27, 2021, an intern reportedly abruptly left AIER and ceased working there after Jeffrey Tucker, while wearing only his boxer briefs, pulled the intern and another girl into his bedroom.

32. Circa January/February 2021, Mrs. Grochmal was present at the lunch table at AIER when Jeffrey Tucker talked openly to everyone at the table about how he had two girlfriends at work and couldn’t decide which one to date.

33. In February 2021, at the AIER lunch table, Jeffrey Tucker was publicly sexually groping a writer paid by AIER with whom he was involved.

34. On February 19, 2021, Jeffrey Tucker excitedly told Mrs. Grochmal a story about a young woman who was supposed to be doing a Skype interview with him but instead she began taking off her clothes. This made Mrs. Grochmal very uncomfortable.

36. Mrs. Grochmal was also pressured to wear the furs, being told before leaving for a business trip on February 24, 2021 by

Jeffrey Tucker: "Wear this fur, you'll be beautiful, look at how she looks (indicating another woman in the group.)". Mrs. Grochmal refused, and Jeffrey Tucker responded: "Well how about this stole?" In response, Mrs. Grochmal left the premises.

44. In March 2021, a staff member told Mrs. Grochmal that Jeffrey Tucker was kissing an employee of AIER subsidiary AIS in one of the main common rooms at AIER.

45. On March 3, 2021, as well as on numerous other occasions, Jeffrey Tucker pressured Mrs. Grochmal to compliment the women wearing the furs: "Tell her she looks beautiful."

46. On March 11, 2021, at the lunch table at AIER, Jeffrey Tucker again told to Mrs. Grochmal and two interns, the story of the female who allegedly began removing her clothes while on a Skype interview with Mr. Tucker. This made Mrs. Grochmal very uncomfortable.

47. On March 16, 2021, the AIER Human Resources manager approached Mrs. Grochmal to ask about the intern who left AIER abruptly due to sexual harassment, referenced in para. 31 above. The Human Resources manager said that the intern left because she was being called "honey" and "sweetie" and that manager believe that it was Jeffrey Tucker who perpetrated the sexual harassment and that she "wouldn't be surprised" because there had been another sexual harassment suit against Jeffrey Tucker.

54. On April 1, 2021, an intern told Mrs. Grochmal that Jeffrey Tucker initiated a conversation with her about Dierdre McClosky's book *Crossing*, which details the author's journey crossing the gender line. Jeffrey Tucker states that the book addressed how someone who changes gender cannot feel sexual pleasure and repeatedly talked about what its like to feel sexual pleasure and asked the intern her thoughts, which made her uncomfortable.

62. On April 19, 2021, because Mrs. Grochmal was not getting any results from Human Resources or management of AIER, she sent a 12-page letter to the AIER Board of Directors, including Defendant van Kipnis, detailing the discrimination and toxic environment.

72. On April 26, 2021, Mrs. Grochmal met with AIER's attorney and told the attorney that Jeffrey Tucker, Edward Stringham and other members of management served alcohol to an underage intern on work premises and reportedly engaged in

sexually suggestive interactions with interns and visiting fellows. Mrs. Grochmal also reiterated that she had repeatedly complained to management about the discrimination and hostile work environment repeatedly for months and he took no action.

See Ex. A, ¶¶ 21-22, 25-27, 29, 31-34, 36, 44-47, 54, 62, 72 (Emphasis added)

As early as December 2019, and continuing through April 26<sup>th</sup>, 2021, Plaintiff indicated that she repeatedly complained to management “for months” about the discrimination and hostile work environment that allegedly existed at AIER. Although aware of her claims, Plaintiff failed to file her MCAD Charge within 300 days of the alleged actionable conduct. Accordingly, she is now precluded from maintaining her lawsuit in the Superior Court. See, e.g., *Rodrigues v. Public Employee Retirement Administration Commission*, 98 Mass. App. Ct. 514, 520 (2020) (“Rodrigues also cannot prevail on the c. 151B claims based upon the earlier denial of reinstatement, in 2013. In particular, as to the March 2012 denial Rodrigues did not file his MCAD charge until June 2013, and so failed to meet the 300-day requirement of G.L. c. 151B, § 5); *Hardy v. Whidden Memorial Hospital*, 146 F. Supp. 3d 385, 391 (D. Mass. 2015) (“In the instant case, Ms. Hardy’s complaint of a failure to promote in 2009 occurred much more than 300 days before she filed her 2011 charge with MCAD...Under such circumstances, the claim must be dismissed for failure to exhaust administrative remedies and the expiration of the statute of limitations.”); *Alston v. Massachusetts*, 661 F. Supp. 2d 117, 123 (2009) (“It is unclear when the city exactly decided to terminate and notify the Teachers of the same, but it is clear that it occurred on or before 2006. Seeing that the Teachers filed with the MCAD on June 2, 2009 and June 8, 2009, 300 days have undoubtedly passed, and the Teachers are beyond the statutes of limitation for seeking relief under 151B.”).

Plaintiff may ultimately endeavor to argue that her claims are not time-barred insofar as the conduct was continuing in nature and therefore timely under the continuing violation doctrine. To invoke the continuing violation doctrine, three factors must be established: (1) the claim must be one

that arises from a series of related events that have to be viewed in their totality in order to assess adequately their discriminatory nature and impact; (2) the claim must be ‘anchored’ by at least one incident of discrimination or retaliation transpiring within the limitations period; and (3) the plaintiff must show that a reasonable person in her circumstances would have refrained from filing a complaint within the limitations period. *Shervin v. Partners Healthcare System, Inc.*, 804 F. 3d 23, 34-35 (1st Cir. 2015); *see also Butler v. Wellington Management Co. LLP*, 2008 WL 7781572 (Mass Super. Dec. 15, 2008) (“A plaintiff alleging a continuing violation must show that: (2) at least one discriminatory act occurred within the applicable filing period; (2) the alleged timely discriminatory acts have a substantial relationship to the alleged untimely discriminatory acts by similarity, repetition, and continuity such that the timely conduct can anchor the untimely conduct; (3) the earlier violation outside the six-month limitations period did not trigger awareness of her duty to assert her rights.”). “A plaintiff’s ‘awareness and duty’ is triggered when she ‘knew or could have formed a reasonable belief’ that the earlier violations were discriminatory.” *Ocean Spray Cranberries, Inc., v. Massachusetts Comm’n Against Discrimination*, 441 Mass. 632, 644, n. 16 (2004)

In the underlying matter, although some of the alleged wrongful conduct took place within 300 days of the filing of the MCAD complaint, a majority of the alleged wrongful conduct took place prior to this time (*see pp. 5-7*), placing Plaintiff on notice of her claim. Moreover, Plaintiff concedes that as of December 2019<sup>5</sup>, she complained to upper management on several occasions

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<sup>5</sup> Under Chapter 151B, a plaintiff may file a claim in court no sooner than 90 days after the filing of her MCAD Complaint...but not later than three years after the alleged unlawful practice. G.L. c. 151 B, §§ 5, 9. Here, Plaintiff was made aware of her claim as early as December 2019 of Tucker’s alleged wrongful conduct, complained of the same to upper management, and never wavered in her belief that she was subject to discriminatory conduct. Since she failed to bring her claim within three years of this date, it is statutorily time-barred. *Goldstein v. Brigham and Women’s Faulkner Hosp., Inc.*, 80 F. Supp. 3d 317, 324 (D. Mass. 2015) (“As a threshold matter, I find Goldstein failed to file her state claim within the three-year limitations period imposed by Chapter 151B. Goldstein was terminated in March 2009 and has not alleged any discriminatory conduct after that date. Her lawsuit was filed in October 2012, three years and five months later...”)

about the alleged sexual harassment and hostile environment to which she claims she was exposed. See Plaintiff's Compl., ¶ 21-22. As of this date, Plaintiff immediately formed a belief, which she never abandoned (as evidenced by her MCAD Charge and Complaint), that Mr. Tucker's conduct constituted discrimination. Any doubt regarding the extent of her knowledge of her claims is dispelled by the 12-page letter which Plaintiff wrote to April 19, 2021 detailing "months" of alleged discriminatory conduct and hostile environment. Ex. A, ¶ 62. And, on April 26, 2021, Plaintiff met with AIER's attorneys concerning the alleged hostile environment and indicated that she "complained to management about the discrimination and hostile work environment repeatedly for months." *Id.*, at ¶ 72. Therefore, any effort by Plaintiff to invoke the continuing violation doctrine is belied by her express allegations of her complaint wherein she details her prior knowledge and understanding of her claims. See, e.g., *Windross v. Barton ProtecCve Services, Inc.*, 586 F. 3d 98, 103 (1st Cir. 2009) ("Windross's attempts to invoke the continuing violation doctrine to rescue some of the claims from dismissal misses the mark because Windross reasonably believed that earlier violations were discriminatory.").

Furthermore, Plaintiff was aware as early as December 2019 and as late as April 19, 2021, that the alleged hostile work environment would not improve insofar as her several complaints to the AIER leadership regarding the same went allegedly unheeded. See Ex. A, ¶¶ 21-22, 62. At this juncture, Plaintiff was aware both of the alleged wrongdoing of Jeffrey Tucker, and the fact that AIER leadership was allegedly unwilling to remedy the alleged wrongful conduct. Vested with this knowledge, Plaintiff was required to file her MCAD Complaint, and her failure to file the Complaint within 300 days of the initial (and subsequent) wrongful conduct mandates dismissal of her claim. See, e.g., *Cole v. Mount Ida College*, 71 Mass. App. Ct. 1121 at \*2 (2008) ("Based upon Cole's own factual allegations, Cole knew or should have known that her work situation was unlikely to improve

no later than her receipt of the college's August 29, 2003 letter reporting the results of its investigation. At that time, more than 300 days prior to her MCAD filing, Cole knew or should have known not only that her many personal attempts to improve her work situation had failed, but also that the negotiations conducted by her attorney in an effort to remedy her "miserable" job situation short of litigation had failed as well. Since a reasonable person would have filed a complaint at that time, Cole cannot avail herself of the continuing violation doctrine."); *Shervin v. Partners Healthcare System, Inc.*, 804 F. 3d 23, 37 (1st Cir. 2015) (denying reliance on continuing violation doctrine and observing "Dr. Shervin knew, from the time her probation was imposed in February 2007, that probation had a materially adverse ramifications both for the rest of her residency and her future career. She formed an almost immediate belief, never diluted, that her probation was sparked by gender bias, and she likewise came to believe, within a matter of weeks, that this change in her status was merely the beginning of a pervasive pattern of discriminatory and retaliatory acts. Nor had she shown any reasonable basis for hoping that the situation would improve: the executive committee rebuffed her attempt to have the probation decision reversed in June of 2007.").

b. Plaintiff did not Sustain Gender Discrimination

Plaintiff has the initial burden of establishing a prima facie case of gender discrimination pursuant to G.L. c. 151B. *See Sarni Original Dry Cleaners, Inc. v. Cooke*, 388 Mass. 611, 614-615 (1983). In order to establish a prima facie case of gender discrimination resulting in termination of employment, the plaintiff must establish that (1) she is a member of a protected group; (2) she was capable of performing the job at an acceptable level; (3) she was terminated; and (4) her employer sought a replacement with similar qualifications; *see also Frederick v. Richardson Electronics, Ltd.*, 2005 WL 2542929 at \*5 (Mass. Super. Sept. 19, 2005) ("Massachusetts General Law Chapter 151B

sets out four elements of a prima facie case for discrimination based on gender: membership in a protected class, harm, discriminatory animus and causation.”).

Plaintiff’s claim for gender discrimination fails as a matter of law for several reasons. First, the majority of the conduct alleged did not occur with respect to Plaintiff. Instead, Plaintiff only relays second-hand tales of alleged discriminatory conduct which were leveled at other unidentified employees, and to which she was not a party. *See* Ex. A, ¶¶ 14-20, 23-24, 26-31, 33, 35, 38-39, 44, 48-49, 51-56. Since this conduct was not directed at Plaintiff, she cannot seek redress for the same. *See, e.g., Smith v. Clay Chevrolet, Inc.*, 2016 WL 8138606 at \*11 (D. Mass. Nov. 17, 2016) (“Massachusetts courts have routinely distinguished cases that were brought by an individual who was directly targeted by the alleged harasser from cases brought by a third party who was ‘significantly removed from the events.’”).

More importantly, Plaintiff did not suffer an adverse employment action as a result of Tucker’s alleged conduct<sup>6</sup>, and none is alleged in the Complaint. Ex. A, *generally*. Plaintiff cannot establish (nor does she allege) that Mr. Tucker’s conduct caused her to sustain a detrimental change to her wages, benefits or ability to perform her duties. In fact, Mr. Tucker resigned from his position in April of 2021 (Ex. A, ¶ 73), at which time Plaintiff was still employed with AIER in the same position as Academic Program Administrator. Since Plaintiff did not sustain an adverse employment action as a result of Mr. Tucker’s conduct, she fails to establish a necessary element of her prima facie claim, and her claim in this regard should be dismissed. *See, e.g., MacCormack v. Boston Edison Co.*, 423 Mass. 652, 663 (1996) (Plaintiff did not suffer an adverse employment action where “[h]e offered no objective evidence that he had been disadvantaged in respect to salary, grade, or other objective terms and conditions of employment.”); *Romero v. UHS of Westwood Pembroke*,

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<sup>6</sup> In fact, Mr. Tucker could not take any adverse employment action against Plaintiff as he was not her supervisor. In that regard, he was not in a position to impact her salary or employment status.

*Inc.*, 72 Mass. App. Ct. 539, 544 (2008) (no adverse employment action where plaintiff concedes that “the restructuring did not change her job duties or pay. She also admits that the restructuring did not cause any difficulties for her in terms of job function or in her employment status.”)<sup>7</sup>

c. Plaintiff was not the Victim of a Hostile Work Environment or Sexual Harassment

To sustain a hostile work environment clam, Plaintiff must demonstrate that the “harassment was sufficiently severe or pervasive so as to alter the conditions of her employment and create an abusive work environment” and that the “gender-based objectionable conduct was both objectively and subjectively offensive, such that a reasonable person would find it hostile or abusive and that [Plaintiff] in fact did perceive it be so.” *Malloch v. Town of Hanover*, 2011 WL 487787 at \*5 (D. Mass. Feb. 7, 2011). Under Massachusetts law, a hostile work environment is one that is “pervaded by harassment or abuse, with the resulting intimidation, humiliation and stigmatization, [and that] poses a formidable barrier to the full participation of an individual in the workplace.” *Cuddyer v. Stop & Shop Supermarket Co.*, 434 Mass. 521, 532 (2001). The environment must be sufficiently hostile or abusive in light of all the circumstances, including the “frequency of the discriminatory

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<sup>7</sup> Plaintiff alleges that “[w]hen it became clear that nothing would change, Mrs. Grochmal made the determination that AIER’s continued pattern of condoning and ratifying the sexually hostile work environment made the working conditions so intolerable that she could no longer work at AIER, and she was forced to resign. On October 2, 2021, Mrs. Grochmal was constructively discharged.” Ex. A, ¶ 90. Such a charge is leveled against AIER, and not Tucker, whose resignation preceded that of Plaintiff. However, “[t]o state a claim for constructive discharge, Plaintiff must allege that she: (1) was within a protected class; (2) met the employer’s legitimate performance expectations; (3) was actually or constructively discharged; and (4) was replaced by another with similar skills and qualifications.” *Sauer v. Belfor USA Group, Inc.*, 205 F. Supp. 3d 209, 219 (D. Mass. 2016). “Constructive discharge occurs when an employee is effectively forced to resign.” *GTE Prod. Corp. v. Stewart*, 421 Mass. 22, 33-34 (1995). Such a claim requires a showing of harassment that is more severe than is required for a hostile work environment claim and may occur when an employer effectively prevents an employee from performing her job. See *Luciano v. Coca-Cola Enterprises, Inc.*, 307 F. Supp. 308, 320 (D. Mass. 2004). As discussed *supra*, Plaintiff cannot establish her claim for hostile environment. Accordingly, she will be unable to establish a claim for constructive discharge, which requires a showing more severe than a hostile environment. Furthermore, the last alleged discriminatory conduct alleged by Ms. Grochmal against Mr. Tucker occurred in April 2021. Ex. A, ¶¶ 59-60. However, Plaintiff did not voluntarily relinquish her position until October 2021. The span of time between the last alleged discriminatory conduct, and Plaintiff’s voluntary relinquishment of her position militates against a finding of constructive discharge. See, e.g., *Landrau-Romero v. Banco Popular De Puerto Rico*, 212 F. 3d 607, 613 (1st Cir. 2000) (“If a plaintiff does not resign within a reasonable period after the alleged harassment, he was not constructively discharged.”); *Smith v. Bath Iron Works Corp.*, 943 F. 2d 164, 167 (1st Cir. 1991) (no constructive discharge found where plaintiff quit six months after last reported incident of sexual harassment).

conduct, its severity, whether it is physically threatening or humiliating or a mere offensive utterance, and whether it unreasonably interferes with an employee's work performance." *Malloch*, 2011 WL 487787 at \*5.

As discussed *infra*, the majority of Plaintiff's allegations of wrongdoing have nothing to do with her, but concern alleged conduct that was taken with respect to other employees. *See* Ex. A, ¶¶ 14-20, 23-24, 26-31, 33, 35, 38-39, 44, 48-49, 51-56. Plaintiff cannot seek redress for this conduct as it was not directed toward her, nor was she admittedly involved in the alleged conduct. *See, e.g., Bourbeau v. City of Chicopee*, 445 F. Supp. 2d 106, 114 (D. Mass. 2006) (the court noted that it knew of "no decision under Title VII or chapter 151B which would extend hostile work environment protection to an employee, like Plaintiff, who *simply witnessed* such amorous contact between co-workers."). When distilled to its essence, Plaintiff alleges that a series of isolated remarks allegedly made by Mr. Tucker constitute the creation of a hostile work environment. As it pertains directly to her, Plaintiff alleges that the following conduct constitutes a hostile work environment:

In May 2020, Jeffrey Tucker told Mrs. Grochmal that he had previously been sued for sexual harassment at AIER and the woman was a "slut" and a "gold digger."

On February 19, 2021, Jeffrey Tucker excitedly told Mrs. Grochmal a story about a young woman who was supposed to be doing a Skype interview with him but instead she began taking her clothes off. Mrs. Grochmal was also pressured to wear the furs, being told before leaving for a business trip on February 24, 2021 by Jeffrey Tucker: "Wear this fur, you'll be beautiful, look at how she looks (indicating another woman in the group)"

On March 3, 2021, as well as on numerous other occasions, Jeffrey Tucker pressured Mrs. Grochmal to compliment the women wearing the furs: "Tell her she looks beauMful."

Jeffrey Tucker came into Mrs. Grochmal's office the next day talking about "these overly zealous Catholics" and their strong beliefs making trouble for him. She told him she was Catholic, and

he responded: "You know how overly zealous people who convert to Catholicism can be."

See Ex. A., ¶¶ 25, 34, 36, 45, 60.

Plaintiff cannot establish that the foregoing remarks<sup>8</sup> constitute "sexual harassment" as that term is defined under G.L. c. 151B, § 1(18) ("The term 'sexual harassment' shall mean sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment..."). Furthermore, regardless of Plaintiff's subjective view of the statements, she must also establish that the "alleged conduct was sufficiently severe or pervasive that a reasonable person would perceive the environment to be hostile or abusive." Plaintiff cannot establish as much. The isolated remarks are just that, innocuous isolated remarks that occurred over a one-year period, and which would not offend the reasonable person in Plaintiff's position. See, e.g., *Kosereis v. Rhode Island*, 331 F. 3d 207, 216 (1st Cir. 2003)<sup>9</sup> ("A hostile work environment generally is not created by a 'mere offensive utterance' nor does not arise from simple teasing, offhand comments and isolated incidents"); *Navarro v. U.S. Tsubaki, Inc.*, 577 F. Supp. 2d 487, 512 (D. Mass. 2008) ("The court cannot consider one year of occasional boorish comments about her job not being suitable for her gender, followed by three years in which only one other incident by a single co-worker occurred,

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<sup>8</sup> Again, these remarks fall outside the 300-day period and would not be actionable even if they did constitute harassment.

<sup>9</sup> In determining what circumstances will give rise to a hostile work environment claim under G.L. c. 151B, the court may look to Federal cases addressing hostile work environment claims under Title VII which is the analogous Federal statute. *Bennefield v. Kohl's Dept. Stores, Inc.*, 29 Mass. L. Rptr., 2012 WL 1560407 at \*3 (Mass. Super. Feb. 17, 2012).

enough to sustain her burden. Though the conduct by Susanna's peers may be rude, unfair or unprofessional, it has not met the standard for establishing a hostile work environment."); *Thompson v. Coca-Cola Co.*, 522 F. 3d 168 (D. Mass. 2008) (supervisor's comments that he "hated Jamaican music and Jamaicans" and subsequent statement that he would "deal" with employee did not rise to the level of severely hostile or abusive actions sufficient to constitute a hostile work environment.); *Crespo v. Schering Plough Del Caribe, Inc.*, 231 F. Supp. 2d 420, 429 (D.P.R. 2002) ("Gonzalez's conduct was not so severe or pervasive that it altered Lee's terms and conditions of employment. Although some of her comments may have been lacking in professionalism and common courtesy, her conduct as a whole was not the type of conduct that a reasonable person would find hostile or abusive. Rather, it rises only to the level of sporadic abusive language, gender-related jokes, and occasional teasing. Such conduct does not generally create a hostile work environment.").

d. Tucker Did not Retaliate Against Plaintiff

"To succeed on a retaliation claim, plaintiff must show that her employer took some objectively and materially adverse action against her because she opposed a practice forbidden by Title VII, such as race discrimination." *Stratton v. Bentley University*, 2021 WL 6098974 at \*4 (D. Mass. Dec. 23, 2021); *Mole v. Univ. of Massachusetts*, 442 Mass. 582, 592 (2004) (applying same framework for Massachusetts retaliation claim). In the underlying matter, there is no allegation in Plaintiff's Complaint that Tucker took retaliatory conduct against Plaintiff because she opposed a practice forbidden by Chapter 151B. *See* Ex. A, *generally*. Rather, the thrust of Plaintiff's claim in this regard is directed to the other Defendants:

After Gregory Van Kipnis published the fact that Mrs. Grochmal had complained of discrimination, she was retaliated against. Mrs. Grochmal was ostracized at work by AIER management and some of her co-workers. Many employees would no longer speak to Mrs. Grochmal at work. This also interfered with Mrs. Grochmal's ability to perform her job, as some employees travelling to campus who

were aligned with AIER management would not notify her that they were coming and hence she could not arrange for their on-campus accommodations, which was part of her job, which compromised her ability to perform some of her duties at AIER.

During a staff meeting held the Monday following Jeffrey Tucker's resignation, in further retaliation against Mrs. Grochmal, then President of AIER Edward Stringham announced at the meeting that "someone" had resigned and then proceeded to turn in his chair and stare at Mrs. Grochmal, who was sitting across the room to his left. He continued to stare at her as he spoke in glowing terms about the contributions Jeffrey Tucker had made to the organization, but never once used his name. Mrs. Grochmal felt extremely uncomfortable by Mr. Stringham's blatant and very public actions, and several other employees commented to Mrs. Grochmal about it. This made Mrs. Grochmal feel very uncomfortable.

*See* Ex. A, ¶¶ 70, 74. The absence of allegations concerning retaliatory conduct against Tucker makes sense insofar as he had already resigned from AIER at the time that Plaintiff alleges the alleged retaliatory conduct took place. *See* Ex. A, ¶ 73. Since Tucker was not employed with AIER at the time the alleged retaliatory conduct took place, and was not involved in the same, Plaintiff's claim for retaliation must be dismissed as a matter of law. *See, e.g., Steiner v. Showboat Operating Co.*, 25 F. 3d 1459, 1465-66 (9th Cir. 1994) ("Several facts militate against Steiner's claim. First, Trenkle was fired two and one-half months prior to her resignation."); *Ternullo v. Reno*, 8 F. Supp. 2d 186, 193 (N.D.N.Y. 1998) ("Plaintiff's case is significantly undercut by the fact that the source of her problems, Jones, was removed nearly two months prior to submitting her resignation."); *Cf. Ameen v. Amphenol Printed Circuits, Inc.*, 777 F. 3d. 63, 70 (1st Cir. 2015) ("To demonstrate that he was fired in retaliation for engaging in FMLA-protected conduct, the plaintiff must show that the retaliator knew about his protected activity – after all. Once cannot have been motivated to retaliate by something he was unaware of.").

**VI. Conclusion**

Based upon the foregoing, Defendant, Jeffrey Tucker, respectfully requests that this Court enter an Order dismissing Plaintiff's Complaint with prejudice, along with such other relief as this Court deems proper.

JEFFREY TUCKER  
By his attorney,

/s/ Andrew M. Schneiderman  
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Dated: April 3, 2023

**CERTIFICATE OF SERVICE**

I, Andrew Schneiderman, hereby certify that on this 3<sup>rd</sup> day of April 2023, I caused the foregoing *Memorandum of Law in Support of Motion to Dismiss Complaint* to be served upon Plaintiff via e-mail:

Allison MacLellan  
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/s/ Andrew Schneiderman  
Andrew Schneiderman

# EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

BERKSHIRE, SS.

SUPERIOR COURT  
C. A. NO.:

|                        |   |                                  |
|------------------------|---|----------------------------------|
| ANN GROCHMAL,          | ) |                                  |
| Plaintiff,             | ) |                                  |
|                        | ) | <b>COMPLAINT AND JURY DEMAND</b> |
| v.                     | ) |                                  |
|                        | ) |                                  |
| AMERICAN INSTITUTE FOR | ) |                                  |
| ECONOMIC RESEARCH;     | ) |                                  |
|                        | ) |                                  |
| GREGORY M. van KIPNIS; | ) |                                  |
|                        | ) |                                  |
| JEFFREY TUCKER.        | ) |                                  |
|                        | ) |                                  |
| Defendants.            | ) |                                  |

**COMPLAINT**

**PARTIES**

1. Plaintiff is an individual residing in Massachusetts and at all times relevant to this Complaint she worked at American Institute for Economic Research in Great Barrington, MA.
2. Defendant, American Institute for Economic Research, is a corporation with a principal place of business at 250 Division Street, Great Barrington, MA.
3. Defendant Gregory M. van Kipnis is an individual residing in Massachusetts and at all times relevant to this Complaint he was on the Board of American Institute for Economic Research in Great Barrington, MA.
4. Defendant Jeffrey Tucker is an individual residing in Texas and at all times relevant to this Complaint he worked at the American Institute for Economic Research and resided in Great Barrington, MA.

**FACTS**

5. Mrs. Grochmal is female.
6. Mrs. Grochmal began working for the American Institute of Economic Research, ("AIER"), a Libertarian Think Tank, in August 2019 as the Academic Program Administrator.

7. She performed her job in a proficient manner throughout her employment.
8. One aspect of her job duties entailed overseeing the Internship, Visiting Fellow and Visiting Scholar Programs, which included managing travel, visitation, residential, and workplace community experiences for the interns, fellows and scholars during their stay at AIER. Additionally, Mrs. Grochmal coordinated logistics planning for on and off campus academic conferences, including the application process, travel and event activities.
9. AIER has a large campus, which consisted of a number of buildings, including an office, a library, an adjoining stone manor house, detached apartments and a gatehouse in Great Barrington, Massachusetts.
10. In a most unorthodox practice, AIER houses many of its employees, interns and affiliated professionals on the premises, which by AIER's design, causes their homelife and work life to be entwined.
11. AIER leadership designed and exploited this living arrangement so that they could require the staff, fellows, scholars and interns to attend mandatory socialization events in the manor, drink alcohol with them and be an audience so AIER leadership could hold court.
12. AIER leadership, including but not limited to former President Edward Stringham and former AIER Editorial Director Jeffrey Tucker, routinely organized bacchanalian drinking parties at the manor, bought (with AIER money) and supplied alcohol to AIER staff, affiliated professionals and often underage interns, and made sexual overtures toward and sexualized statements about women present, from the workplace and from the professional arena.
13. Most of AIER management attended some of these parties and witnessed first-hand these sexualized interactions with staff and interns, which were on public display on AIER premises and many of which Mrs. Grochmal witnessed.
14. Mrs. Grochmal heard AIER leadership pressuring female interns and staff to attend the after-work cocktail parties held at 4:30pm every day and movies being shown at AIER at night. If the female employees did not show up; leadership asked them why they were not there. Leadership sent messages to the female staff via the work messaging system "Slack" pressuring them to come. This same pressure was not applied to the male employees.
15. Female interns, fellows and scholars told Mrs. Grochmal that they were worried that if they did not show up and drink with AIER leadership, their positions might be prematurely terminated and/or they would not be hired for permanent positions.

16. AIER management and senior staff stood by and took no action while then AIER Editorial Director Jeffrey Tucker dressed female staff members, interns and other affiliated writers up in old fur coats purchased by Jeffrey Tucker and paid for by AIER. Later the pressure to wear and model pearl necklaces was also introduced by Jeffrey Tucker.
17. AIER leadership, including but not limited to Jeffrey Tucker and Edward Stringham, would insist that the women model the furs and then ogle the women and gape at them, asking the males and females in attendance, i.e., the females' co-workers and managers, "Isn't she beautiful?" and "Doesn't she look lovely dressed like this?"
18. On numerous occasions, Mrs. Grochmal heard Jeffrey Tucker pressuring women to wear fur coats. Mr. Tucker offered a fur coat to a visiting scholar and told her he wanted her to wear one. He told her he buys them for "women in the house".
19. Jeffrey Tucker routinely told the women in attendance at AIER happy hours and dinners how to sit and act, as if they were dolls he was positioning.
20. AIER management and its Board of Directors knew about this behavior and either engaged in it or took no action to stop it.
21. Starting circa December 2019/January-February 2020 and continuing throughout her employment at AIER, Mrs. Grochmal also complained multiple times to her boss, Brad Devos, about the sexual harassment and sexually hostile environment. He responded that Mrs. Grochmal should "not get involved". He stated that Jeffrey Tucker had done this at his previous jobs and that it was only a matter of time before Jeffrey was his own demise. Mr. Devos took no action.
22. In the spring of 2020, Mrs. Grochmal complained to the AIER Human Resources department about this behavior, including the expectation that employees and visitors drink with management after work, the blurring of lines between work and socialization, the inappropriate sexual discussions at work, and the abuse of power by management which resulted in Mrs. Grochmal and other females feeling threatened, intimidated and unsafe at work. Despite these complaints, no action was taken.
23. A research associate at AIER asked Mrs. Grochmal if she knew about a woman who had sued Jeffrey Tucker for sexual harassment and stated that he knew that Jeffrey Tucker had been terminated from previous positions for sexual misconduct before AIER hired him.
24. Mrs. Grochmal heard Jeffrey Tucker openly telling the interns, visiting fellows, scholars, conference attendees and staff members about his prior lawsuits for sexual harassment and called the women "tramps" and that they only wanted money.

25. In May 2020, Jeffrey Tucker told Mrs. Grochmal that he had previously been sued for sexual harassment at AIER and the woman was a “slut” and a “gold digger”.
26. Circa November/December 2020/January 2021, a female employee told Mrs. Grochmal that she was washing dishes in the AIER Gatehouse when Jeffrey Tucker came up behind her and started massaging her. The intern told Human Resources who sent a Slack (internal messaging system) message stating that employees were not to give massages to each other. No other action was taken and AIER deleted the Slack message.
27. In early 2021, Mrs. Grochmal observed Jeffrey Tucker’s girlfriend, a member of staff, having a panic attack as a result of a lover’s spat with Mr. Tucker on AIER premises and Mrs. Grochmal was told that there were physical and verbal fights between upper management and their staff lovers occurring in public spaces of AIER buildings.
28. Mr. Tucker often intimidated employees who were not receptive to his sexual overtures.
29. On many occasions but more aggressively in early 2021 Jeffrey talked to the interns, fellows and employees about his sexual and romantic relationships with their co-workers, which made them uncomfortable.
30. Jeffrey also talked to the interns, fellows and employees about another member of senior management having a sexual relationship with an intern and Jeffrey Tucker called the intern a “tramp”.
31. On January 27, 2021, an intern reportedly abruptly left AIER and ceased working there after Jeffrey Tucker, while wearing only his boxer briefs, pulled the intern and another girl into his bedroom.
32. Circa January/February 2021, Mrs. Grochmal was present at the lunch table at AIER when Jeffrey Tucker talked openly to everyone at the table about how he had two girlfriends at work and couldn’t decide which one to date.
33. In February 2021, at the AIER lunch table, Jeffrey Tucker was publicly sexually groping a writer paid by AIER with whom he was involved.
34. On February 19, 2021, Jeffrey Tucker excitedly told Mrs. Grochmal a story about a young woman who was supposed to be doing a Skype interview with him but instead she began taking her clothes off. This made Mrs. Grochmal very uncomfortable.

35. When Mrs. Grochmal did not react favorably to this story, Jeffrey Tucker went to the next desk and told another female employee the same story.
36. Mrs. Grochmal was also pressured to wear the furs, being told before leaving for a business trip on February 24, 2021 by Jeffrey Tucker: "Wear this fur, you'll be beautiful, look at how she looks (indicating another woman in the group)." Mrs. Grochmal refused, and Jeffrey Tucker responded: "Well how about this stole?" In response, Mrs. Grochmal left the premises.
37. This sexually charged atmosphere was constant and omnipresent, pervasive throughout the Stonehouse, the offices, on campus and during off campus work trips and it made Mrs. Grochmal very uncomfortable and interfered with her participation in the workplace and her work.
38. Throughout Mrs. Grochmal's employment, AIER leadership made sexual comments at work in Mrs. Grochmal's presence and in front of other employees as well and spoke about their sexual conquests and women in a disparaging manner.
39. Many of the interns, visiting fellows, scholars and event participants were perplexed and frightened by this behavior and told Mrs. Grochmal as much and she reported it.
40. Both AIER leadership and the Board of Directors for AIER knew of the excessive drinking parties, the drunk driving in the community by AIER leadership and staff and the rampant sexually hostile environment at AIER.
41. An intern told Mrs. Grochmal that an AIER Board Member told her to be "careful" at AIER because Jeffrey Tucker could be "aggressive" and a "predator".
42. AIER's Board of Directors, including Chairman Gregory van Kipnis, knew of Jeffrey Tucker and Edward Stringham's sexually inappropriate behavior at work and allegations of sexual harassment against them at AIER and they took no action to remove either of them, thereby tacitly condoning their behavior.
43. Mrs. Grochmal heard Jeffrey Tucker repeatedly say: "We have no rules at AIER."
44. In March 2021, a staff member told Mrs. Grochmal that Jeffrey Tucker was kissing an employee of AIER subsidiary AIS in one of the main common rooms at AIER.
45. On March 3, 2021, as well as on numerous other occasions, Jeffrey Tucker pressured Mrs. Grochmal to compliment the women wearing the furs: "Tell her she looks beautiful."

46. On March 11, 2021, at the lunch table at AIER, Jeffrey Tucker again told Mrs. Grochmal and two interns, the story of the female who allegedly began removing her clothes while on a Skype interview with Mr. Tucker. This made Mrs. Grochmal very uncomfortable.
47. On March 16, 2021, the AIER Human Resources manager approached Mrs. Grochmal to ask about the intern who left AIER abruptly due to sexual harassment, referenced in para. 31 above. The Human Resources manager said that the intern left because she was being called “honey” and “sweetie” and that the manager believed that it was Jeffrey Tucker who perpetrated the sexual harassment and that she “wouldn’t be surprised” because there had been another sexual harassment suit against Jeffrey Tucker.
48. Jeffrey Tucker’s sexualization of the atmosphere at AIER and objectification of the women at AIER sent the message to other males at AIER that making sexual overtures at work was acceptable and encouraged. Jeffrey Tucker publicly pressured AIER employees to have romantic relationships at work, which made them uncomfortable.
49. Jeffrey Tucker pressured the interns, fellows and staff members to attend after work social events, including communal dinners and movies, and drink alcohol.
50. AIER allowed Jeffrey Tucker to perform the final Skype interviews for internship and fellow candidates, which he insisted on doing so he could ensure that the candidates fit into the AIER “house culture”, which at that time consisted of drinking and a sexualized environment.
51. Mrs. Grochmal was told by interns that some were so afraid of AIER management that when alone in their room on AIER property, they would prop a chair up under the doorknob to securely lock the door because they knew there was an easily accessible master key and were afraid someone might use it to enter their room and make sexual advances.
52. At night, Jeffrey Tucker would routinely come up to the third floor of the Manor House, where the interns and young female employees slept, and knock on the door of his mistress, an AIER intern.
53. Mrs. Grochmal was told by several interns that Louis Eastman, who would later be promoted by AIER Chairman van Kipnis to Vice President of AIER, would often go upstairs to the third floor of the manor where the female interns lived under the guise of bringing them coffee. The interns were uncomfortable because they were often coming out of the shower and not fully dressed when he would enter the living space.
54. On April 1, 2021, an intern told Mrs. Grochmal that Jeffrey Tucker initiated a conversation with her about Dierdre McClosky’s book *Crossing*, which details the

author's journey crossing the gender line. Jeffrey Tucker stated that the book addressed how someone who changes gender cannot feel sexual pleasure and repeatedly talked about what it's like to feel sexual pleasure and asked the intern her thoughts, which made her uncomfortable.

55. Many interns told Mrs. Grochmal that there was significant and constant pressure by management to drink at AIER.
56. An intern told Mrs. Grochmal that a Senior Research Fellow asked her if she was ok being in the back seat of a car with AIER President Edward Stringham because he was known to be "handsy".
57. Jeffrey Tucker attended a Students for Liberty event in Connecticut and invited the undergraduate students to come back to AIER and drink for the evening. Ten to fifteen students came and were served alcohol then these students proceeded to drive back to Connecticut.
58. There were also discriminatory comments made at AIER regarding religion.
59. At AIER in April 2021, Mr. Tucker described a Catholic intern as a "self-righteous" Catholic convert who cannot hold his tongue and is "holier than thou and [Tucker] can't stand him and can't wait for him to leave."
60. Jeffrey Tucker came into Mrs. Grochmal's office the next day talking about "these overly zealous Catholics" and their strong beliefs making trouble for him. She told him she was Catholic, and he responded: "You know how overly zealous people who convert to Catholicism can be."
61. Mrs. Grochmal is religious and felt offended and concerned.
62. On April 19, 2021, because Mrs. Grochmal was not getting any results from Human Resources or management of AIER, she sent a 12-page letter to the AIER Board of Directors, including Defendant van Kipnis, detailing the discrimination and toxic environment.
63. On April 20, 2021, the Chairman of the AIER Board, Gregory van Kipnis, called Mrs. Grochmal to discuss the allegations in her April 19, 2021 letter and said he was particularly concerned about the religious discrimination and the underage drinking. He said he was also concerned about the other issues mentioned, i.e., the pervasive and explicit sexual harassment, but he was most concerned about the religious and underage drinking aspect because he felt that they were "legal issues".
64. Mr. van Kipnis then gave Mrs. Grochmal lip service about how disappointed he was in AIER management, including Human Resources and Mrs. Grochmal's

manager, Brad DeVos, for not responding to her prior complaints about the rampant discrimination and illegal activities at AIER.

65. However, Mr. van Kipnis then said: “You know, this is the ‘Old Boys’ Network’, you wouldn’t understand it.” When Mrs. Grochmal brought up that the other males in power sat back and allowed it to happen, Mr. Van Kipnis said: “Well, they just want to be “cool” like Jeff and Ed.”
66. Mrs. Grochmal told Mr. van Kipnis that she was concerned for the safety of both herself and the female employees at AIER and asked that her identity and the fact that she wrote the letter be kept confidential – to be used only by the AIER Board of Directors.
67. Mr. van Kipnis assured Mrs. Grochmal that he would keep her identity and the fact that she had sent the letter to him private, however Brad DeVos told Mrs. Grochmal that Gregory van Kipnis called him soon after and told him that Mrs. Grochmal had written a 12-page letter to the Board complaining about the drinking and sexualized environment at AIER.
68. Furthermore, this information was also made available to Mrs. Grochmal’s co-workers. Mrs. Grochmal soon heard gossip around the office about how she had sent the Board the “12-page letter” complaining about the alcohol fueled sexualized work environment at AIER.
69. Then, on April 26, 2021, Gregory van Kipnis copied Mrs. Grochmal’s personal email address on an email to the Board, senior management, and two facilities workers regarding the removal of all alcohol from campus. Based on her level within the organization, Mrs. Grochmal should clearly not have been copied on that email and Mr. van Kipnis’s inclusion of her exposed her as the person who complained to the Board.
70. After Gregory van Kipnis published the fact that Mrs. Grochmal had complained of discrimination, she was retaliated against. Mrs. Grochmal was ostracized at work by AIER management and some of her co-workers. Many employees would no longer speak to Mrs. Grochmal at work. This also interfered with Mrs. Grochmal’s ability to perform her job, as some employees traveling to campus who were aligned with AIER management would not notify her that they were coming and hence she could not arrange for their on-campus accommodations, which was a part of her job, which compromised her ability to perform some of her duties at AIER.
71. AIER requested that Mrs. Grochmal meet with its attorney to talk about her allegations.
72. On April 26, 2021, Mrs. Grochmal met with AIER’s attorney and told the attorney that Jeffrey Tucker, Edward Stringham and other members of

management served alcohol to an underage intern on work premises and reportedly engaged in sexually suggestive interactions with interns and visiting fellows. Mrs. Grochmal also reiterated that she had repeatedly complained to management about the discrimination and hostile work environment repeatedly for months and he took no action.

73. Upon information and belief, AIER offered Jeffrey Tucker the opportunity to resign in lieu of termination and he resigned in April 2021. However, AIER permitted Mr. Tucker to continue to live on the premises for a week. Only after multiple employees raised numerous concerns to AIER that Mr. Tucker was still living on the campus with the employees did AIER finally remove him.
74. During a staff meeting held the Monday following Jeffrey Tucker's resignation, in further retaliation against Mrs. Grochmal, then President of AIER Edward Stringham announced at the meeting that "someone" had resigned and then proceeded to turn in his chair and stare at Mrs. Grochmal, who was sitting across the room to his left. He continued to stare at her as he spoke in glowing terms about the contributions Jeffrey Tucker had made to the organization, but never once used his name. Mrs. Grochmal felt extremely uncomfortable by Mr. Stringham's blatant and very public actions, and several other employees commented to Mrs. Grochmal about it. This made Mrs. Grochmal very uncomfortable.
75. Circa May 20, 2021, former AIER President Edward Stringham was terminated.
76. Mr. van Kipnis admitted during a staff meeting following Mr. Stringham's termination that AIER did not do proper due diligence on either Edward Stringham or Jeffrey Tucker before hiring them.
77. Despite Mrs. Grochmal telling Mr. van Kipnis and the AIER lawyer that she had complained to her supervisor, Brad DeVos, and that he took no action in response to her complaints of discrimination and hostile work environment, AIER and its Board of Directors promoted Brad DeVos to President of AIER.
78. Louis Eastman was promoted to Vice President.
79. AIER gave the semblance of banning alcohol in response to Mrs. Grochmal's letter, however Brad DeVos, now President of AIER, told Mrs. Grochmal that it was his priority to get alcohol allowed back on the AIER campus.
80. On or about May 21, 2021, a drinking party was arranged on a neighbor's land and publicized on the AIER "Slack" channel. AIER Vice President Lou Eastman liked the post. Mrs. Grochmal complained to Brad DeVos and the post was removed. Public complaints and plans for how to get alcohol back on campus continued in daily office discussions and on Slack messages.

81. The men to whom Mrs. Grochmal complained and who did nothing, were promoted to the head of AIER leadership.
82. The females to whom Mrs. Grochmal complained were allowed to remain in AIER leadership.
83. The Chairman of the AIER Board, when informed of gross and flagrant sexual harassment and deviance at AIER, responded that it was a "Boys Club" and Mrs. Grochmal "wouldn't understand".
84. As a result, no other avenues for complaints of the discrimination and hostile work environment remained.
85. AIER, on its official social media account, repeatedly continued to publicly endorse Jeffrey Tucker and Edward Stringham subsequent to their separation from AIER.
86. Newly promoted AIER managers, including Lou Eastman, publicly endorsed Jeffrey Tucker and Edward Stringham at work and on social media, which signaled to the AIER employees that nothing had changed.
87. AIER Vice President Eastman made statements at AIER that he missed the "Good Old Days" of Mr. Tucker and Mr. Stringham and said: "Don't worry, Jeff Tucker and Ed Stringham will be back."
88. This all sent a clear message that AIER sided with the perpetrators of sexual harassment and discrimination and not the victims.
89. The sexual harassment, sexually hostile work environment, pressure to comply and join in with sexually charged alcohol-soaked culture at AIER pervaded for the duration of Mrs. Grochmal's employment; it was an ongoing, pervasive pattern of sexual harassment and a hostile work environment.
90. Throughout her employment, Mrs. Grochmal made repeated complaints to numerous members of management of AIER and AIER's board in the hope that the environment would improve. When it became clear that nothing would change, Mrs. Grochmal made the determination that AIER's continued pattern of condoning and ratifying the sexually hostile work environment made the working conditions so intolerable that she could no longer work at AIER, and she was forced to resign. On October 2, 2021, Mrs. Grochmal was constructively discharged.
91. As a result of the discrimination, hostile work environment and retaliation perpetrated by Defendants, Mrs. Grochmal suffered from severe emotional distress in the form of stress, tension, depression, anxiety and sleeplessness.

**COUNT I: GENDER DISCRIMINATION IN VIOLATION OF M.G.L. C. 151B**  
**(Defendants)**

92. Plaintiff restates and re-alleges all preceding allegations as if fully recited herein.
93. Massachusetts prohibits discrimination on the basis of gender in the workplace. G.L. c. 151B, § 4(1).
94. Defendants discriminated against Plaintiff and other employees based on gender for the entirety of Plaintiff's employment.
95. Plaintiff seeks damages as a result of the age discrimination perpetrated by Defendants.

**COUNT II: SEXUAL HARASSMENT IN VIOLATION OF M.G.L. C. 151B**  
**(Defendants)**

96. Plaintiff restates and re-alleges all preceding allegations as if fully recited herein.
97. Massachusetts prohibits sexual harassment in the workplace. G.L. c. 151B, § 4(1).
98. Defendants sexually harassed Plaintiff and created a sexually harassing and hostile work environment for the entirety of her employment.
99. Plaintiff seeks damages as a result of the race and/or national origin discrimination perpetrated by Defendants.

**COUNT III: HOSTILE WORK ENVIRONMENT IN VIOLATION OF M.G.L. C. 151B (Defendants)**

100. Plaintiff restates and re-alleges all preceding allegations as if fully recited herein.
101. A plaintiff establishes that hostile work environment is present when a plaintiff shows that the workplace was pervaded by harassment or abuse, with the resulting intimidation, humiliation, and stigmatization, and posed a formidable barrier to the full participation of an individual in the workplace. Cuddy v. Stop & Shop Supermarket Co., 434 Mass. 521, 532 (2001), *quoting* College-Town, Div. of Interco, Inc. v. Massachusetts Commn. Against Discrimination, 400 Mass. 156, 162 (1987); Prescott v. Higgins, 538 F.3d 32 (1st Cir. 2008). A work environment pervaded by harassment or abuse, with the resulting intimidation, humiliation, and stigmatization, poses a formidable barrier to the full participation of an individual in the workplace. Id.
102. Hostile work environment may be manifested by a series of harassing acts that may be described as pinpricks that only slowly add up to a wound; one

pinprick may not be actionable in itself, and its abusive nature may not be apparent except in retrospect, until the pain becomes intolerable. Clifton v. Massachusetts Bay Transp. Authority, 445 Mass. 611(2005). By its nature, "hostile work environment" often means that there are series of events which mount over time to create such a poisonous atmosphere as to violate the law and as a result, the question as to when offensive conduct does in fact become unlawful is often better resolved by the factfinder at trial, and not on summary judgment. Andujar v. Nortel Networks, Inc., 400 F.Supp.2d 306 (D.Mass.2005).

103. In this case, defendants created a work environment pervaded by harassment and abuse which continued for the duration of Plaintiff's employment . The continued harassment and management's toleration of the situation created a formidable barrier to Plaintiff's full participation in the workplace.
104. Plaintiff seeks damages as a result of the hostile work environment perpetrated by Defendants.

#### **COUNT IV: RETALIATION IN VIOLATION OF M.G.L. C. 151B (Defendants)**

105. Plaintiff restates and re-alleges all preceding allegations as if fully recited herein.
106. Retaliation is present when a plaintiff shows that she engaged in protected conduct, she suffered an adverse action, and a causal connection existed between the conduct and the adverse action. Mole v. University of Massachusetts, 442 Mass. 582, 591 (2004).
107. In this case, Defendants retaliated against Plaintiff after she reported the discrimination and harassment and defended others' rights to be free from discrimination.
108. Plaintiff seeks damages as a result of the retaliation perpetrated by Defendants.

**WHEREFORE**, the plaintiff respectfully request that this Court grant the following relief:

Enter Judgment against Defendants;

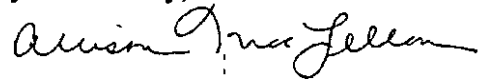
1. Award plaintiff attorney fees, costs and expert witness fees;
2. Award compensatory damages for lost wages and benefits, emotional pain and suffering, emotional distress, humiliation, anxiety, embarrassment, reputational damages, loss of enjoyment of life and out-of-pocket expenses or other financial losses, plus lawful interest;
3. Award punitive damages pursuant to G.L. c. 151B §9;

4. Award multiple damages pursuant to G.L. c. 151B §9;
5. Order the defendants to pay prejudgment interest from the date of the filing of this complaint with the EEOC/MCAD and post judgment after entry of judgment; and  
Award such other relief as the Court deems fair and just.

**JURY CLAIM**

The plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted,  
ANN GROCHMAL,  
By her attorney,



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Telephone: (617) 980-5999

Dated: December 29, 2022

# EXHIBIT B

THE COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION  
The Springfield State Office Building  
436 Dwight Street, Rm. 220, Springfield, MA 01103  
Phone: (413) 739-2145 Fax: (413) 784-1056

SERVICE OF COMPLAINT

Date: February 24, 2022

Jeffrey Tucker  
C/o American Institute for Economic Research  
803 Quail Run  
Brownwood, TX 76801

RE: Ann Grochmal vs American Institute for Economic Research, Gregory M. Van Kipnis, and Jeffrey Tucker  
MCAD Docket Number: 22SEM00411  
EEOC/HUD Number: 16C-2022-00919

Dear Respondent:

The Massachusetts Commission Against Discrimination (MCAD) has received the above complaint of discrimination which alleges that you have committed an act of discrimination against the Complainant. A copy of the complaint is enclosed.

The Commission has assigned *Kelly Burgess* to conduct an impartial investigation of the complaint. This MCAD Investigator will keep the parties informed of the course of the investigation.

You must preserve all information and documents that may be (or lead to) evidence relevant to the charge of discrimination, as required by MCAD regulations found at 804 CMR 1.05(1) (2020).

You are also required to submit a formal written answer to the complaint, called a position statement, in accordance with 804 CMR 1.05(8)(a) and (d) (2020). The position statement must be submitted within 21 days of receipt of this notification. You must sign the position statement under the pains and penalties of perjury, and, if you have an attorney, your attorney must also sign the position statement. A copy of the position statement must also be forwarded to the Complainant at the address listed on the enclosed complaint. Failure to file a position statement within the prescribed time may result in sanctions being imposed in accordance with 804 CMR 1.07 (2020).

Pursuant to 804 CMR 1.06 (2020), the Commission may be able to offer the parties free mediation of the dispute as an alternative to often lengthy and expensive litigation. Please note, however, that absent special circumstances, the Commission will not conduct a mediation prior to the filing of the position statement.

Please be advised that position statements are to be addressed to Carol Murchison, Administrative Assistant. If you have any questions concerning position statements please contact Carol Murchison at 413-314-6129 or email at carol.murchison@mass.gov.

If you have any questions pertaining to the investigation, please contact Kelly Burgess at 413-314-6124 or kelly.burgess@mass.gov.

Sincerely,

Kelly Burgess  
Investigator

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

American Institute for Economic Research  
Human Resources/Legal Department  
250 Division Street  
P.O. Box 1000  
Great Barrington, MA 02130-0000

Gregory M. Van Kipnis  
C/o American Institute for Economic Research  
One St. Andrews Court  
Lenox, MA 01240

Jeffrey Tucker  
C/o American Institute for Economic Research  
803 Quail Run  
Brownwood, TX 76801

Person Filing Charge:  
This Person (Check One):

Date of Alleged Violation:  
Place of Alleged Violation:  
EEOC Charge Number:  
MCAD Docket Number:

Ann Grochmal  
(x) Claims to be aggrieved  
( ) Is filing on behalf of  
10/02/2021  
Quincy, MA  
16C-2022-00919  
22SEM00411

### NOTICE OF CHARGE OF DISCRIMINATION WHERE AN FEP AGENCY WILL INITIALLY PROCESS (See Attached Information Sheet For Additional Information)

You are hereby notified that a charge of employment discrimination under  
☒ Title VII of the Civil Rights Act of 1964  
☐ The Age Discrimination in Employment Act of 1967 (ADEA)  
☐ The Americans Disabilities Act (ADA)

Has been received by

☐ The EEOC and sent for initial processing to MCAD  
(FEP Agency)

☒ The Mass. Commission Against Discrimination  
(FEP) Agency and sent to the EEOC for dual filing purposes.

While the EEOC has jurisdiction (upon the expiration of any deferral requirements if this is a Title VII or ADA Charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

☒ As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's issuing a final finding and order. If the agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provisions of Title VII and the ADEA as explained on the second page of this form apply.

For further correspondence on this matter, please use the charge number(s) shown.

☐ An Equal Pay Act Investigation (29 U.S.C 206(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.

☒ Enclosure: Copy of the Charge

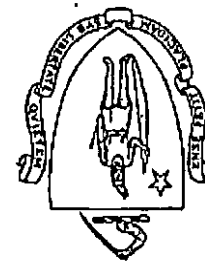
#### Basis of Discrimination

|                               |                                     |                                                 |                                              |                                          |
|-------------------------------|-------------------------------------|-------------------------------------------------|----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Race | <input type="checkbox"/> Color      | <input checked="" type="checkbox"/> Gender      | <input checked="" type="checkbox"/> Religion | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Age  | <input type="checkbox"/> Disability | <input checked="" type="checkbox"/> Retaliation | <input checked="" type="checkbox"/> Other    |                                          |

Circumstances of alleged violation:

**SEE ENCLOSED COPY OF THE CHARGE OF DISCRIMINATION (or EEOC FORM 5)**

|           |                                             |           |
|-----------|---------------------------------------------|-----------|
| Date      | Type Name/Title of Authorized EEOC Official | Signature |
| 2/24/2022 | Feng An, Director                           |           |



CHARLES D. BAKER  
GOVERNOR  
KARIN E. POURTO  
LIEUTENANT GOVERNOR

The Commonwealth of Massachusetts  
Commission Against Discrimination  
THE SPRINGFIELD STATE OFFICE BUILDING  
436 DWIGHT STREET • SUITE 220 • SPRINGFIELD, MA 01103-1333



SUNITA THOMAS GEORGE  
CHAIRWOMAN  
MONSIEURATE QUINONES  
COMMISSIONER  
NELDY JEAN-FRANCOIS  
COMMISSIONER

## NOTICE OF OPTION TO MEDIATE

As a party to a pending complaint at the Massachusetts Commission Against Discrimination, the Commission invites you to participate in an effort to resolve the complaint through mediation. Mediation is as process offered by the Commission at no cost in which parties involved in the charge of discrimination meet together with a mediator at the Commission and work to try and resolve the case before the investigation is complete and an initial finding has been made. Mediation is not mandatory. However, it is highly recommended for its advantages. Its goal is an early resolution which can save the parties time and costs and avoid the draining of the parties' resources, energies and emotions. It is a voluntary, non-adversarial process in which the mediator assists the parties to acknowledge factual and legal issues, review the relative strengths and weaknesses of their positions, identify individual and common interests and explore settlement alternatives.

Please note that absent special circumstances, the Commission will not conduct a mediation prior to the filing of the position statement. Also, both parties must elect to participate in mediation or it will not be scheduled. If both parties do not elect to mediate, the investigation will continue. Similarly, if mediation fails, the Commission's investigation will continue.

If you choose to participate in mediation at the Commission, please leave a detailed message for Vanessa Davila within ten (10) days of receipt of this Notice by calling (617) 994-6033 or by emailing [vanessa.davila@mass.gov](mailto:vanessa.davila@mass.gov).

## **MCAD Electronic Instructions for Submitting Position Statements Only**

The MCAD requests that you electronically submit your Position Statement:

- Please email your Position Statement to [sprpositionstmts@mass.gov](mailto:sprpositionstmts@mass.gov)
- In the Subject Line of your email, you must include your docket number, party names, and the first and last name of the MCAD Investigator assigned to your case. This information has been provided to you in the enclosed letter.

An example of the Subject Line entry, per the above requirements would be:

**Docket Number - Parties - Investigator First and Last Name**

19BPH1111 - Bob Smith v. XYZ Entity - Michael Memmolo

The legal requirements for electronically submitting position statements are:

All position statements must be:

1. Signed by counsel, if represented by counsel and
2. Include the signed sworn affirmations of all Respondents.

MCAD regulations (804 C.M.R. §1.10 (8)(c)) require you to serve printed copies of your position statement on the Complainant(s) including all attachments, if any.

**Attorneys must retain an original copy of the position statement to provide the MCAD upon request.**

**Technical requirements for electronic submission of Position Statements are:**

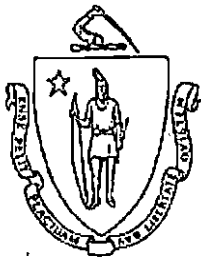
All Position Statements must be:

1. Submitted in PDF format,
2. Cannot exceed 15 MB in size,
3. Must contain the docket number, party names, and the first and last name of the MCAD Investigator assigned to your case in the Subject Line.

If you are not able to send your Position Statement and attachments in one email you can submit multiple emails; however, the **subject line of EACH EMAIL MUST** contain the docket number, party names, and the first and last name of the assigned MCAD Investigator.

**Please note:**

The [sprpositionstnts@mass.gov](mailto:sprpositionstnts@mass.gov) email address only accepts position statements and position statement attachments. **Please do not send any other documents or requests to this email address as those communications will not be reviewed or responded to.** If you need to send other documents or have an inquiry relative to your case, please contact the MCAD investigator assigned to your case directly.



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

## The Commonwealth of Massachusetts Commission Against Discrimination

THE SPRINGFIELD STATE OFFICE BUILDING  
436 DWIGHT STREET • SUITE 220 • SPRINGFIELD, MA 01103-1333



SUNILA THOMAS GEORGE  
CHAIRWOMAN

MONSERRATE QUIÑONES  
COMMISSIONER

NELDY JEAN-FRANCOIS  
COMMISSIONER

### Preparing for Mediation at the MCAD

The better prepared the parties and their lawyers are for mediation, the better the outcome. Here are some suggestions for preparing for mediation at the MCAD:

**Have a goal in mind:** Please give some thought to what it is you hope to accomplish through the mediation and what a good outcome would be for you. Come prepared to explain the basis for your position. For example, if you have created a worksheet to develop the basis for a demand for money, this will be helpful for you to bring for the mediator to understand your position. If you have specific documents to support your position, these are also helpful to bring to the mediation. Sometimes, parties have shared interests that can be met as part of the resolution. Parties will also have different interests, so you should be prepared to compromise in order to reach an acceptable settlement. Be realistic and practical in your expectations about the desired results.

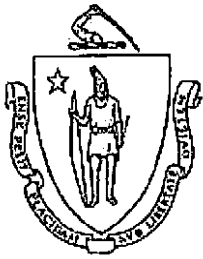
**This is a non-adversarial process:** Mediation calls for a problem-solving mindset to be adopted by both the parties in the case and their lawyers. In mediation, the mindset is that of a team of people working together to fix the problem. Sometimes mediators refer to this change in mindset as a "paradigm shift", in which we are called upon to approach the dispute with different goals and strategies. Stephen Covey, the author of the book, *Seven Habits of Highly Effective People*, suggests that we "think win-win, rather than win-lose or lose-lose".

Part of this process calls on us to consider the other side's goals, interests and needs. Solutions can be developed that satisfy the interests and needs of both sides. There may be more than one way to satisfy our needs and interests that do not interfere with the other side's goals. Identifying these is what helps lead to a "win-win".

**Come with an open mind:** Part of the strength of the mediation process is its ability to explore different ways of solving the problems presented and settling the dispute. Exploring solutions calls on all of us to come with an open mind about ideas and options that we can consider to help resolve the matter. If parties come with a narrow focus, only having one way to resolve the matter or one solution that is acceptable, it will limit the mediation from finding or creating solutions that may be far better than the one idea that a party is locked in on.

**Some qualities that help mediation be successful:** It's only natural that parties in a dispute may be upset, angry, emotional, disappointed, hurt and sometimes feel vindictive. While these feelings cannot be ignored, parties should still treat each other and all those participating in mediation with respect, civility and integrity. Parties and attorneys can and should pursue their goals and work through the mediation to meet their needs and interests. Even though the parties may not agree and see things differently, good things can be accomplished when we conduct ourselves with grace and dignity, and respect for the other side.

If any party has a need for a reasonable accommodation during the mediation due to a disability, or requires a translator to participate please inform Vanessa Davila at (617) 994-6033 at least thirty (30) days prior to the mediation or at the earliest possible time.



CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

## The Commonwealth of Massachusetts Commission Against Discrimination

THE SPRINGFIELD STATE OFFICE BUILDING

436 DWIGHT STREET • SUITE 220 • SPRINGFIELD, MA 01103-1333



SUNILA THOMAS GEORGE  
CHAIRWOMAN

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COMMISSIONER

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COMMISSIONER

### Useful Information about Mediation at the MCAD

When a complaint is filed at the MCAD, an investigation process begins which may lead to an initial finding that there is probable cause of discrimination. If so, there will be formal discovery and a public hearing which concludes with a decision by a hearing officer or commissioner, which may be appealed. The MCAD offers a mediation program as an alternative to that process pursuant to 804 CMR 1.06 (2020). Mediation at the MCAD is an opportunity for the parties in the dispute to work together with the MCAD mediator to resolve the case early in the process. It is a voluntary process; all parties to the matter must agree to mediate.

The MCAD mediation program is offered at no charge to the parties and provides them with trained and experienced mediators who are familiar with discrimination laws and issues and knowledgeable about both the MCAD process and outcomes of cases decided at the MCAD.

Mediation at the MCAD is confidential in the sense that nothing that is stated, discussed, written down as notes or exchanged as relevant information can be shared with people outside of the MCAD. In private meetings (called "caucuses") that take place with each party during the mediation, information shared by a party with the mediator will not be shared with the other party unless the mediator is given permission to share it. If the parties reach a settlement, certain information may be provided to the spouses, accountants and legal representatives of the parties in the dispute.

A mediator is not a judge or an arbitrator and does not make a decision or rule on the matter. The mediator's role is to serve as a facilitator helping the parties to reach a good and acceptable resolution of the matter. Any outcome or settlement agreement must be agreed upon by all the parties during the mediation. Once an agreement is reached, it is later memorialized by the parties in a written settlement agreement signed by the parties.

Mediation is a non-adversarial approach to resolving a dispute. Its goal is to reach a resolution that is fair, appropriate and agreed upon by the parties. It is not a process designed to determine a winner and a loser, but rather is a problem-solving approach. As such, it can help preserve important relationships that exist between the parties and can develop a resolution that can maintain a healthy relationship. It focuses on the present, the future and what can be done to restore or achieve a better situation after the mediation than what existed before that led to the complaint. At the MCAD, mediations also consider any public interests to be served and as such, often settlements will include "affirmative relief", i.e. provisions that serve the public good.

Mediation has many advantages. Because it generally takes place early in the case, it saves the parties time, legal fees and costs. An early resolution will also avoid draining resources, emotions and energies of the parties. Because the solution reached is up to the parties to shape and decide upon, mediation provides flexibility to develop options for settlement that are tailored to the parties' specific situation and designed to meet their interests and needs.

If any party has a need for a reasonable accommodation during the mediation due to a disability, or requires a translator to participate please inform Vanessa Davila at (617) 994-6033 at least thirty (30) days prior to the mediation or at the earliest possible date.

TELEPHONE: (413) 739-2145

[www.mass.gov/mcad/](http://www.mass.gov/mcad/)

FAX: (413) 784-1056

USEFUL INFORMATION ABOUT MEDIATION

REVISED 1/26/2022

**The Commonwealth of Massachusetts  
Commission Against Discrimination  
The Springfield State Office Building  
436 Dwight Street, Rm. 220, Springfield, MA 01103  
Phone: (413) 739-2145 Fax: (413) 784-1056**

MCAD DOCKET NUMBER: 22SEM00411  
FILING DATE: 02/08/2022

EEOC/HUD CHARGE NUMBER: 16C-2022-00919  
VIOLATION DATE: 10/02/2021

Name of Aggrieved Person or Organization:

Ann Grochmal  
C/o Allison MacLellan, Esq.  
MacLellan Law Firm  
377 Willard Street, #236  
Quincy, MA 02169  
Primary Phone: (617) 980-5999 ext. \_\_\_\_

Named is the employer, labor organization, employment agency, state/local government agency, or other entity who discriminated against me:

American Institute for Economic Research  
Human Resources/Legal Department  
250 Division Street  
P.O. Box 1000  
Great Barrington, MA 02130-0000  
Primary Phone: (888)528-1216 ext. \_\_\_\_

Gregory M. Van Kipnis  
C/o American Institute for Economic Research  
One St. Andrews Court  
Lenox, MA 01240  
Primary Phone: (888)528-1216 ext. \_\_\_\_

Jeffrey Tucker  
C/o American Institute for Economic Research  
803 Quail Run  
Brownwood, TX 76801

No. of Employees: 25+

Work Location: Great Barrington, MA

Cause of Discrimination based on:

Religion; Gender; Sexual Harassment; and Retaliation

The particulars are:

I, Ann Grochmal, the Complainant, believe American Institute for Economic Research, Gregory M. Van Kipnis, and Jeffrey Tucker, the Respondents, discriminated against me on the basis of my Religion; Gender; subjected me to Sexual Harassment; and in Retaliation for opposing discriminatory practices. This is in violation of M.G.L. 151B, Section 4, Paragraphs 1, 4, 16A, and Title VII.

See Attached for Particulars.

I hereby verify, under the pains and penalties of perjury that I have read this complaint and the allegations contained herein are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of Complainant)

**CHARGE OF DISCRIMINATION  
MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION**

FEPA NO: 22 SEM00411      FILING DATE: February 8, 2022  
EEOC NO: 16C-2022-00919      VIOLATION DATE: August 2019 –  
October 2, 2021

MCAD NO:

NAME OF AGGRIEVED PERSON: Ann Grochmal  
c/o MacLellan Law Firm, P.C.  
377 Willard Street, #236  
Quincy, MA 02169

TELEPHONE NUMBER: (413) 429-6357

COUNSEL FOR COMPLAINANT: Allison MacLellan  
MacLellan Law Firm  
377 Willard Street, #236  
Quincy, MA 02169  
TEL: (617) 980-5999  
FAX: (617) 507-5884

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NAME OF EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, OR  
STATE/LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

American Institute for Economic Research  
250 Division Street, P.O. Box 1000  
Great Barrington, MA 02130-0000  
[brad.devos@aier.org](mailto:brad.devos@aier.org)

TELEPHONE NUMBER: (888) 528- 1216

Gregory M. van Kipnis  
1 St. Andrews Court  
Lenox, MA 01240  
[Gregory.vanKipnis@aier.org](mailto:Gregory.vanKipnis@aier.org)

TELEPHONE NUMBER: (888) 528- 1216

Jeffrey Tucker  
803 Quail Run  
Brownwood, TX 76801  
[tucker@brownstone.org](mailto:tucker@brownstone.org)

TELEPHONE NUMBER:

Unknown

CAUSE OF DISCRIMINATION BASED ON:

**Gender Discrimination**  
**Sexual Harassment**  
**Hostile Work Environment**  
**Retaliation**  
**Religious Discrimination**

THE PARTICULARS INCLUDE BUT ARE NOT LIMITED TO:

1. Ann Grochmal charges Respondents with unlawful discrimination on the basis of gender, including but not limited to sexual harassment, religion, hostile work environment and retaliation in violation of M.G.L. c. 151B and other applicable state and federal laws and regulations.
2. Mrs. Grochmal is female.
3. Mrs. Grochmal began working for the American Institute of Economic Research, ("AIER"), a Libertarian Think Tank, in August 2019 as the Academic Program Administrator.
4. She performed her job in a proficient manner throughout her employment.
5. One aspect of her job duties entailed overseeing the Internship, Visiting Fellow and Visiting Scholar Programs, which included managing travel, visitation, residential, and workplace community experiences for the interns, fellows and scholars during their stay at AIER. Additionally, Mrs. Grochmal coordinated logistics planning for on and off campus academic conferences, including the application process, travel and event activities.
6. AIER has a large campus, which consisted of a number of buildings, including an office, a library, an adjoining stone manor house, detached apartments and a gatehouse in Great Barrington, Massachusetts.
7. In a most unorthodox practice, AIER houses many of its employees, interns and affiliated professionals on the premises, which by AIER's design, causes their homelife and work life to be entwined.
8. AIER leadership designed and exploited this living arrangement so that they could require the staff, fellows, scholars and interns to attend mandatory socialization events in the manor, drink alcohol with them and be an audience for the orations and diatribes of AIER leadership.

9. AIER leadership, including but not limited to former President Edward Stringham and former AIER Editorial Director Jeffrey Tucker, routinely organized bacchanalian drinking parties at the manor, bought (with AIER money) and supplied alcohol to AIER staff, affiliated professionals and often underage interns, and made sexual overtures toward and sexualized statements about women present, from the workplace and from the professional arena.
10. Then AIER Program manager, Brad DeVos, attended some of these parties and witnessed first-hand these sexualized interactions with staff and interns, which were on public display on AIER premises.
11. AIER management pressured female interns and staff to attend the after-work cocktail parties held at 4:30pm every day and movies being shown at AIER at night. If the female employees did not show up, management asked them why they were not there. Management sent messages to the female staff via the work messaging system "Slack" pressuring them to come. This same pressure was not applied to the male employees.
12. Female interns, fellows and scholars worried that if they did not show up and drink with AIER management, their positions might be prematurely terminated and/or they would not be hired for permanent positions.
13. AIER leadership and senior staff stood by and took no action while former AIER Editorial Director Jeffrey Tucker dressed the female staff members, interns and other affiliated writers up in old fur coats bought from estate sales by Jeffrey Tucker and paid for by AIER. Later the pressure to wear and model pearl necklaces was also introduced by Jeffrey Tucker.
14. AIER leadership, including but not limited to Jeffrey Tucker and Edward Stringham, would insist that the women model the furs and then ogle the women and gape at them, asking the males and females in attendance, i.e., the females' co-workers and managers, "Isn't she beautiful?" and "Doesn't she look lovely dressed like this?"
15. Jeffrey Tucker offered a fur coat to a visiting scholar and told her he wanted her to wear one. He told her he buys them for "women in the house".
16. Jeffrey Tucker routinely told the women in attendance at AIER happy hours and dinners how to sit and act, as if they were dolls he was positioning.
17. AIER management and its Board of Directors knew about this behavior and either engaged in it or took no action to stop it.
18. In the spring of 2020, Mrs. Grochmal complained to the AIER Human Resources department about this behavior, but no action was taken.

19. A research associate at AIER asked Mrs. Grochmal if she knew about a woman who had sued Jeffrey Tucker for sexual harassment and said that he knew that Jeffrey Tucker had been terminated from previous positions for sexual misconduct before AIER hired him.
20. Jeffrey Tucker openly told the interns, visiting fellows, scholars, conference attendees and staff members about his prior lawsuits for sexual harassment and called the women "tramps" and that they only wanted money.
21. In May 2020, Jeffrey Tucker told Mrs. Grochmal that he had previously been sued for sexual harassment at AIER and the woman was a "slut" and a "gold digger".
22. Starting in the late winter of 2020 and continuing throughout her employment at AIER, Mrs. Grochmal also complained multiple times to her boss, Brad Devos, about the sexual harassment and sexually hostile environment. He responded that Mrs. Grochmal should "not get involved". He stated that Jeffrey Tucker had done this at his previous jobs and that it was only a matter of time before Jeffrey was his own demise. He took no action.
23. Circa November/December 2020/January 2021, a female employee was washing dishes in the AIER Gatehouse when Jeffrey Tucker came up behind her and started massaging her. The intern told Human Resources who sent a Slack (internal messaging system) message stating that employees were not to give massages to each other. No other action was taken and AIER deleted the Slack message.
24. In the late winter 2020/early spring of 2021, there were physical and verbal fights between upper management and their staff lovers in AIER buildings.
25. Mr. Tucker often intimidated employees who were not receptive to his sexual overtures.
26. On many occasions but more aggressively in early 2021 Jeffrey talked to the interns, fellows and employees about his sexual and romantic relationships with their co-workers, which made them uncomfortable.
27. Jeffrey also talked to the interns, fellows and employees about another member of senior management having a sexual relationship with an intern and Jeffrey Tucker called the intern a "tramp".
28. On January 27, 2021, an intern reportedly abruptly left AIER and ceased working there after Jeffrey Tucker, while wearing only his boxer briefs, pulled the intern and another girl into his bedroom.
29. Circa January/February 2021, Jeffrey Tucker sat at the lunch table at AIER and talked openly to everyone at the table about how he had two girlfriends at work and couldn't decide which one to date.
30. In February 2021, at the AIER lunch table, Jeffrey Tucker was publicly sexually groping a writer paid by AIER with whom he was involved.

31. On February 19, 2021, Jeffrey Tucker excitedly told Mrs. Grochmal a story about a young woman who was supposed to be doing a Skype interview with him but instead she began taking her clothes off.
32. When Mrs. Grochmal did not react favorably to this story, Jeffrey Tucker went to the next desk and told another female employee the same story.
33. Mrs. Grochmal was also pressured to wear the furs, being told before leaving for a business trip on February 24, 2021 by Jeffrey Tucker: "Wear this fur, you'll be beautiful, look at how she looks (indicating another woman in the group)." Mrs. Grochmal refused, and Jeffrey Tucker responded: "Well how about this stole?" In response, Mrs. Grochmal left.
34. This sexually charged atmosphere was constant and omnipresent, pervasive throughout the Stonehouse, the offices, on campus and during off campus work trips.
35. Throughout Mrs. Grochmal's employment, AIER leadership made sexual comments at work in Mrs. Grochmal's presence and in front of other employees as well and spoke about their sexual conquests and women in a disparaging manner.
36. Many of the interns, visiting fellows, scholars and event participants were perplexed and frightened by this behavior and told Mrs. Grochmal as much.
37. Both AIER leadership and the Board of Directors for AIER knew of the excessive drinking parties, the drunk driving in the community by AIER leadership and staff and the rampant sexually hostile environment at AIER.
38. An AIER Board Member told a young person at AIER to be "careful" at AIER because Jeffrey Tucker could be "aggressive" and a "predator".
39. AIER's Board of Directors, including Chairman Gregory van Kipnis, knew of Jeffrey Tucker and Edward Stringham's sexually inappropriate behavior at work and allegations of sexual harassment against them at AIER and they took no action to remove either of them, thereby tacitly condoning their behavior.
40. Jeffrey Tucker repeatedly said: "We have no rules at AIER."
41. In March 2021, Jeffrey Tucker was observed kissing an employee of AIER subsidiary AIS in one of the main common rooms at AIER.
42. On March 3, 2021, as well as on numerous other occasions, Jeffrey Tucker pressured Mrs. Grochmal to compliment the women wearing the furs: "Tell her she looks beautiful."

43. On March 11, 2021, at the lunch table at AIER, Jeffrey Tucker again told Mrs. Grochmal and two interns, the story of the female who allegedly took her off her clothes while on a Skype interview with Mr. Tucker.
44. On March 16, 2021, the AIER Human Resources manager approached Mrs. Grochmal to ask about the intern who left AIER abruptly due to sexual harassment, referenced in para. 28 above. The Human Resources manager said that the intern left because she was being called "honey" and "sweetie" and that the manager believed that it was Jeffrey Tucker who perpetrated the sexual harassment and that she "wouldn't be surprised" because there had been another sexual harassment suit against Jeffrey Tucker.
45. Jeffrey Tucker's sexualization of the atmosphere at AIER and objectification of the women at AIER sent the message to other males at AIER that making sexual overtures at work was acceptable and encouraged. Jeffrey Tucker would publicly pressure AIER employees to have romantic relationships, which made them uncomfortable.
46. Jeffrey Tucker pressured the interns, fellows and staff members to attend communal dinners after work and drink alcohol.
47. AIER allowed Jeffrey Tucker to perform the final Skype interviews for internship and fellow candidates, which he insisted on doing so he could ensure that the candidates fit into the AIER "house culture", which at that time consisted of drinking and a sexualized environment.
48. Some interns were so afraid of AIER management that when alone in their room on AIER property, they would prop a chair up under the doorknob to securely lock the door because they knew there was an easily accessible master key and were afraid someone might use it to enter their room and make sexual advances.
49. At night, Jeffrey Tucker would routinely come up to the third floor of the Manor House, where the interns and young female employees slept, and knock on the door of his mistress, an AIER intern.
50. Lou Eastman, who would later be promoted by AIER Chairman van Kipnis to Vice President of AIER, would often go upstairs to the third floor of the manor where the female interns lived under the guise of bringing them coffee. The interns were uncomfortable because they were often coming out of the shower and not fully dressed when he would enter the living space.
51. On April 1, 2021, Mrs. Grochmal learned from an intern that Jeffrey Tucker brought up to her Dierdre McClosky's book *Crossing*, which details the author's journey crossing the gender line. Jeffrey Tucker stated that the book addressed how someone who changes gender cannot feel sexual pleasure and repeatedly talked about what it's like to feel sexual pleasure and asked the intern her thoughts, which made her uncomfortable.

52. Many interns stated that there was significant and constant pressure by management to drink at AIER.
53. A Senior Research Fellow asked an intern if she was ok being in the back seat of a car with AIER President Edward Stringham because he was known to be "handsy".
54. Jeffrey Tucker attended a Students for Liberty event and invited the undergraduate students to come back to AIER and drink for the evening. Ten to fifteen students came and were served alcohol then these students proceeded to drive back to Connecticut.
55. There were also discriminatory comments made at AIER regarding religion.
56. At AIER in April 2021, Mr. Tucker described a Catholic intern as a "self-righteous" Catholic convert who cannot hold his tongue and is "holier than thou and [Tucker] can't stand him and can't wait for him to leave."
57. Jeffrey Tucker came into Mrs. Grochmal's office the next day talking about "these overly zealous Catholics" and their strong beliefs making trouble for him. She told him she was Catholic, and he responded: "You know how overly zealous people who convert to Catholicism can be."
58. Mrs. Grochmal is religious and felt offended and concerned.
59. On April 19, 2021, because Mrs. Grochmal was not getting any results from Human Resources or management of AIER, she sent a 12-page letter to the AIER Board of Directors, detailing the discrimination and toxic environment. (Attached hereto as Exhibit 1.)
60. On April 20, 2021, the Chairman of the AIER Board, Gregory van Kipnis, called Mrs. Grochmal to discuss the allegations in her April 19, 2021 letter and said he was concerned about the religious discrimination and the underage drinking. He said he was also concerned about the other issues mentioned, i.e., the pervasive and explicit sexual harassment, but he was most concerned about the religious and underage drinking aspect because he felt that they were "legal issues".
61. Mr. van Kipnis then gave Mrs. Grochmal lip service about how disappointed he was in AIER management, including Human Resources and Mrs. Grochmal's manager, Brad DeVos, for not responding to her prior complaints about the rampant discrimination and illegal activities at AIER.
62. However, Mr. van Kipnis then said: "You know, this is the 'Old Boys' Network', you wouldn't understand it." When Mrs. Grochmal brought up that the other males in power sat back and allowed it to happen, Mr. Van Kipnis said: "Well, they just want to be 'cool' like Jeff and Ed."

63. Mrs. Grochmal told Mr. van Kipnis that she was concerned for the safety of both herself and the female employees at AIER and asked that her identity and the fact that she wrote the letter be kept confidential – to be used only by the AIER Board of Directors.
64. Mr. van Kipnis assured Mrs. Grochmal that he would keep her identity and the fact that she had sent the letter to him private, however Brad DeVos told Mrs. Grochmal that Gregory van Kipnis immediately called him and told him that Mrs. Grochmal had written a 12-page letter to the Board complaining about the drinking and sexualized environment at AIER.
65. Furthermore, this information was also published to Mrs. Grochmal's co-workers. Mrs. Grochmal soon heard gossip around the office about how she had sent the Board the "12-page letter" complaining about the alcohol fueled sexualized work environment at AIER.
66. Then, Gregory van Kipnis copied Mrs. Grochmal's personal email address on an email to the Board, senior management, and two facilities workers regarding the removal of all alcohol from campus. Based on her level within the organization, Mrs. Grochmal should clearly not have been copied on that email and Mr. van Kipnis's inclusion of her exposed her as the person who complained to the Board.
67. After Gregory van Kipnis published the fact that Mrs. Grochmal had complained of discrimination, she was retaliated against. Mrs. Grochmal was ostracized at work by AIER management and her co-workers. Many employees would no longer speak to Mrs. Grochmal at work. This also interfered with Mrs. Grochmal's ability to perform her job, as some employees traveling to campus who were aligned with AIER management would not notify her that they were coming and hence she could not arrange for their on-campus accommodations, which was a part of her job.
68. AIER requested that Mrs. Grochmal meet with its attorney to talk about her allegations.
69. Mrs. Grochmal told the attorney for AIER that in addition to Jeffrey Tucker and Edward Stringham, Brad DeVos also served alcohol to an underage intern on work premises and reportedly engaged in sexually suggestive interactions with interns and visiting fellows. Mrs. Grochmal also reiterated that she had repeatedly complained to Mr. DeVos about the discrimination and hostile work environment repeatedly for months and he took no action.
70. Upon information and belief, AIER offered Jeffrey Tucker the opportunity to resign in lieu of termination and he resigned in April 2021. However, AIER permitted Mr. Tucker to continue to live on the premises for a week. Only after multiple employees raised numerous concerns to AIER that Mr. Tucker was still living on the campus with the employees did AIER finally remove him.
71. During a staff meeting held the Monday following Jeffrey Tucker's resignation, in further retaliation against Mrs. Grochmal, then President of AIER Edward Stringham announced at the meeting that "someone" had resigned and then proceeded to turn in his chair and

stare at Mrs. Grochmal, who was sitting across the room to his left. He continued to stare at her as he spoke in glowing terms about the contributions Jeffrey Tucker had made to the organization, but never once used his name. Mrs. Grochmal felt extremely uncomfortable by Mr. Stringham's blatant and very public actions, and several other employees commented to Mrs. Grochmal about it. This made Mrs. Grochmal very uncomfortable.

72. Circa May 20, 2021, former AIER President Edward Stringham was terminated.
73. Mr. van Kipnis admitted during a staff meeting following Mr. Stringham's termination that AIER did not do proper due diligence on either Edward Stringham or Jeffrey Tucker before hiring them.
74. Despite Mrs. Grochmal telling Mr. van Kipnis and the AIER lawyer that not only had Brad DeVos taken no action in response to her complaints of discrimination and hostile work environment, he had actively participated in it, AIER and its Board of Directors promoted Brad DeVos to President of AIER.
75. Louis Eastman was promoted to Vice President.
76. AIER gave the semblance of banning alcohol in response to Mrs. Grochmal's letter, however Brad DeVos, now President of AIER, told Mrs. Grochmal that it was his priority to get alcohol allowed back on the AIER campus.
77. A drinking party was arranged on a neighbor's land and publicized on the AIER "Slack" channel. AIER Vice President Lou Eastman liked the post. Mrs. Grochmal complained to Brad DeVos and the post was removed. Public complaints and plans for how to get alcohol back on campus continued in daily office discussions and on Slack messages.
78. The men to whom Mrs. Grochmal complained and who did nothing, were promoted to the head of AIER leadership.
79. The females to whom Mrs. Grochmal complained were allowed to remain in AIER leadership.
80. The Chairman of the AIER Board, when informed of gross and flagrant sexual harassment and deviance at AIER, responded that it was a "Boys Club" and Mrs. Grochmal "wouldn't understand".
81. No other avenues for complaints of the discrimination and hostile work environment remained.
82. AIER, on its official media account, repeatedly continued to publicly endorse Jeffrey Tucker and Edward Stringham following their disgrace and separation from the corporation.

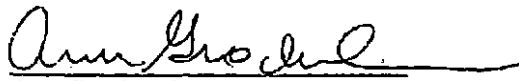
83. AIER managers, including Lou Eastman, publicly endorsed Jeffrey Tucker and Edward Stringham at work and on social media, which signaled to the AIER employees that nothing had changed.
84. AIER Vice President Eastman made statements at AIER that he missed the "Good Old Days" of Mr. Tucker and Mr. Stringham and said: "Don't worry, Jeff Tucker and Ed Stringham will be back."
85. This all sent a clear message that AIER sided with the perpetrators of sexual harassment and discrimination and not the victims.
86. The sexual harassment, sexually hostile work environment, pressure to comply and join in with sexually charged alcohol-soaked culture at AIER was present for the duration of Mrs. Grochmal's employment.
87. AIER's condoning and ratification of the sexually hostile work environment made the working conditions so intolerable that Mrs. Grochmal could no longer work at AIER and was forced to resign. On October 2, 2021, Mrs. Grochmal was constructively discharged.
88. As a result of the discrimination, hostile work environment and retaliation perpetrated by Respondents, Mrs. Grochmal suffered from severe emotional distress in the form of stress, tension, depression, anxiety and sleeplessness.
89. For the foregoing reasons, Mrs. Grochmal charges Respondents with unlawful discrimination on the bases of gender discrimination including sexual harassment, religion, hostile work environment and retaliation in violation of M.G.L. c. 151B and applicable state and federal law and regulations.

I ALSO WANT THIS CHARGE FILED WITH EEOC:

YES

I WILL ADVISE THE AGENCIES IF I CHANGE MY ADDRESS OR TELEPHONE NUMBER AND I WILL COOPERATE FULLY WITH THEM IN THE PROCEEDING OF MY CHARGE IN ACCORDANCE WITH THEIR PROCEDURES.

I SWEAR OR AFFIRM THAT I HAVE READ THIS COMPLAINT AND THAT IT IS TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.  
SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY.

  
Ann Grochmal

COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION

ACTION NO. 22SEM00411  
16C-2022-00919

ANN GROCHMAL;  
Complainant,

v.

AMERICAN INSTITUTE FOR  
ECONOMIC RESEARCH;

GREGORY VAN KIPNIS;

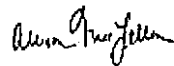
JEFFREY TUCKER.

Respondents.

**NOTICE OF APPEARANCE**

Please enter my appearance as attorney for Complainant Ann Grochmal in the above-referenced matter.

Respectfully Submitted,



Allison MacLellan  
MacLellan Law Firm  
377 Willard Street, #236  
Quincy, MA 02169  
Tel: (617) 980-5999  
Fax: (617) 507-5884  
amaclellan@maclellanlawfirm.com

Date: February 8, 2022

# Exhibit 1

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**Ann M. Grochmal**  
*grochmal@verizon.net - (413) 429-6357*

April 19, 2021

Mr. Gregory van Kipnis, Chairman of the Board of Trustees  
Ms. Katherine Delay, Trustee  
American Institute for Economic Research  
P.O. Box 1000  
250 Division Street  
Great Barrington, Massachusetts 01230

**Delivered by Email**

**To: Gregory van Kipnis (greggvankipnis@mac.com)**  
**Katherine H. Delay (katy.delay@gmail.com)**

Dear Greg and Katy,

I am writing to inform you of certain information and multiple concerns I have with respect to the work environment at the American Institute for Economic Research ("AIER") and the impact that this is having on me personally, as well as on the work I perform as the Academic Programs Administrator, and could be having on AIER. I have already discussed many of these issues, and much of this information, with the Director of Human Resources, and also with my boss, on several occasions over the past year. I have also expressed some of these concerns to the Vice President of Finance, on at least one occasion. Since nothing constructive has happened to correct this difficult situation through normal channels, I am now bringing this information and these concerns directly to the two of you.

The purpose of this letter is to formally provide both of you with a written statement of this information (some of which is based on circumstances as have been reported to me) and my specific concerns because it appears to me that the circumstances and events I have previously experienced, or have heard about, are now spiraling and becoming more prevalent, and potentially, more egregious, and perhaps even more dangerous. In essence, the work environment for me and possibly others has become intolerable. These issues and concerns are now causing me significant stress, migraine headaches, loss of sleep, and make it extremely difficult for me to carry out my job, most particularly as relates to the area of my work that is managing the on-Campus and Berkshire County experiences of interns, fellows, and program participants. In addition to the distress I am personally experiencing, I am now concerned that I am also being targeted and retaliated against by AIER through changes in my responsibilities that appear designed to remove me from direct contact with, and as advocate for, the fellows and interns at AIER, despite the fact I have only received positive

feedback on my work. My additional concern is that the proposed change in my responsibilities will further expose the most vulnerable on the AIER Campus and more easily permit the issues I am sharing to become further unchecked, more prevalent, and potentially more dangerous.

Throughout this letter, I have attempted to categorize the information presented by four major areas of concern (Illegal/inappropriate behaviors involving alcohol; Illegal sexual/workplace harassment and Covid issues; Improper sharing of information; and Illegal religious harassment). Because of the complexity of these circumstances, however, any single event that I write about, as you will read, nearly always touches more than one of these major areas of concern. In addition, this letter is written using titles, pseudonyms, and/or more general descriptions to protect the specific identity of each individual to whom it refers.

**Concern #1 (Illegal/Inappropriate Behaviors Involving Alcohol)**

I have seen and experienced firsthand and/or it has been reported to me that: (i) there is underage consumption of alcohol, including alcohol that is being served to these young people by AIER leaders on the AIER Campus that involves interns and other visitors; (ii) coercions and pressures accompany this serving of alcohol so that at least some of the interns and visitors are consuming alcohol even though they would prefer not to and/or they are being overserved; (iii) significant consumption by AIER's leaders, and their subsequent related behaviors, may make employees, interns, visitors, and fellows uncomfortable and impact directly on office/professional interactions (it is especially difficult for the employees, interns, and fellows to see AIER's leaders slurring words, staggering around, and/or passing out in the evening, keep it a secret, and then respect them and perform in a professional office setting in subsequent days); and (iv) AIER vehicles, and those of employees, are being driven on the main driveway and public roads in Great Barrington and neighboring communities by those who are, potentially, impaired by the alcohol being served at AIER and consumed on Campus.

It is now commonly mentioned within AIER that the only way for individuals to personally manage this pressure to consume alcohol, according to one's personal consumption limits, without incurring the scorn and public comments of AIER's leaders, is to surreptitiously empty one's glass in a convenient sink when no one is paying attention. Furthermore, attendance/participation at a daily 4:30 PM cocktail hour is strongly suggested for fellows and interns, in addition to visitors and employees resident on Campus, which strong suggestion could be interpreted as: (i) extending the workplace from the office and into the Stone House; and, further, (ii) representing that cocktail hour participation is an AIER-endorsed, employment-related and required function.

There was recently an underage intern/visitor who I know was being served excessive amounts of alcohol. Although I discussed this with my boss and other AIER leaders, to no avail, I very much worry about the dire outcomes that could

result to these young people from excessive amounts of alcohol served unchecked, as well as to those with whom they may come in contact.

Obviously, these behaviors, pressures, and circumstances are inappropriate, unprofessional, and potentially dangerous but, they appear to be, in certain cases, also illegal, and would seem to bring with them reputational risk and significant potential legal liability to AIER and those who enable their occurrence. On numerous occasions, many of us have heard from sources outside of AIER that the Institute is now known for a culture of hosting and endorsing underage and excessive drinking across all levels of the organization.

**Concern #2 (Illegal Sexual/Workplace Harassment and Covid Issues)**

I have experienced personally, witnessed, and also heard that a bullying, domineering, and, potentially illegal, harassing environment exists within the organization, in both the office, at the Stone House, and elsewhere on Campus, during the workday, on weekends, at lunch and dinner, and into the evening, as regards employees, interns, fellows, staff, and visitors. This unhealthy environment that I have witnessed and/or that has been reported to me has been largely created by AIER's leaders and mostly comes in the following forms:

(1) Often it is sexual in nature;

(2) Often it involves spoken, or implied, threats to career advancement and reputation and, related to that, potentially slanderous comments about former employees, fellows, and interns by AIER leaders made to those currently in those positions, which reportedly leaves them feeling vulnerable if they do not follow the expectations of these AIER leaders in the workplace and beyond;

(3) Often it involves uncomfortable pressures and commentary from AIER's leaders about employees, interns, and fellows, whenever the beliefs of those individuals and/or actions concerning their own personal Covid related safety protocols (regarding masking and social distancing), which are often chosen by these individuals to protect vulnerable family members and in reliance on public Covid policies and guidelines in the Commonwealth of Massachusetts, do not strictly align on Covid-related matters with AIER's published, public positions, practices, and the opinions of AIER's leaders;

(4) Often it relates to how, where, and with whom individuals spend time outside their AIER working hours; and

(5) Other times it involves condescending comments from AIER's leaders, directed at employees, fellows, interns, and visitors, on what are acceptable (or unacceptable) topics of conversation and activities, even at social events and/or off-hours away from the office. From what I have experienced and

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witnessed, in no case were the topics inappropriate in any way and, thus, this controlling behavior was not warranted.

In my opinion there is a repeating cycle of bullying and harassment, followed by compliment and flattery, that seems designed to feed some need of certain AIER leaders to exert control over me and others in an effort to try to get us to idolize their every word and action, for, what I can only construe to be, some unstated personal agenda. Fortunately, some of us are able enough to see right through these attempts at self-aggrandizement and improper exercise of power. Unfortunately, that is not always the case, particularly among the most vulnerable and inexperienced, and the adverse potential consequences of these circumstances and events to these young interns and fellows, as well as to staff and visitors, is very detrimental and cannot be ignored. I believe it would be unconscionable for me not to call this information and these circumstances to AIER's attention, and yours specifically, this time formally on the record, and so I write this letter to you now. Afterall, part of my job duties are to create meaningful and productive experiences for the interns and visiting fellows.

In the past three weeks I have also heard that an AIER leader told others that an employee (to be called "Nancy" for purposes of this letter) who lives on Campus has threatened to [REDACTED] From what has been shared with me by others who likely have direct knowledge of the situation in the Stone House, the circumstances leading to this declaration have produced ongoing public conflict, drama, and increased tension, which experience tells me is a particularly dangerous combination, especially when further mixed with excessive alcohol, bullying, and the associated social pressures that dominate AIER. This example leads into one of my concerns that female employees, interns, and fellows feel pressure to not report difficulties, bullying, and/or threats and therefore must silently bear the pressures to which they are subjected. Additionally, I have been told that female residents have been told that they cannot move out of the Stone House for fear of the appearance of such departures to other staff and the Board of Trustees, and also because such moves would "undermine" Stone House culture.

In addition, on Sunday morning, April 4<sup>th</sup>, at 12:10 AM, I received an electronic message from Nancy urgently requesting that I find a place that she might live, outside of the Stone House, somewhere else on AIER property, for the remainder of her stay at AIER. Because of the late hour, I did not see that message from Nancy until the next day when I replied asking if she were alright and sharing my personal phone number if she wanted to contact me by phone or text. Later in the afternoon, Nancy sent me another electronic message saying that all was now fine and that she was sorry for bothering me. Interestingly, I have also been subsequently told by an employee and an intern, who are disturbed and vocal about all of this, that the abovementioned AIER leader was very unhappy that next day when he learned Nancy sent that early morning electronic message to me.

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Another example that speaks to this second Concern, specifically points (3) and (4), relates to a memo that an AIER leader sent to all employees in early 2020, just as Covid became recognized as a very serious health concern. Some AIER employees, myself included, were quite offended by its content and tone because it was felt to be so insensitive and overreaching in its suggestion that AIER leaders have the right to set the rules for appropriate behaviors and emotions of employees, both inside and away from the office, with respect to Covid and each of our individual reactions to the pandemic. In fact, the same day this electronic message was sent, the same AIER leader who wrote this public memo called me directly, since he had not recently been on campus, and asked why things were so hysterical in the office at AIER. I assured him that they were not hysterical and that no one was yelling at anyone else (he had asked me a question related to such an event of which he had been told by another party). While I have my suspicions about why he thought there was hysteria and yelling, I do not know who specifically shared those false impressions with him or for what reason, nor do I know if the content of my discussion with him was ever shared publicly.

Also, as to this second Concern, and pertaining further to bullying, harassment and Covid pressures, on April 14<sup>th</sup>, another AIER leader asked me to meet with him in his office, and he proceeded to speak to me about another employee (to be called "Jane" for purposes of this letter) saying, as he rolled his eyes, that he did not expect Jane would ever return to AIER because he thought that lockdown and disease panic had broken her and that he wanted to give her office to another employee. The comments he shared with me that day not only speak volumes about how AIER views employees with valid Covid personal and family health concerns (point (3) above) but also reflects the inappropriate sharing of personal information as described in the third Concern below. I simply should not know, and do not care, what this AIER leader thinks of Jane. This inappropriate sharing of personal information and opinions, for which there are numerous other examples, also creates tension between employees who now may feel they need to hold secrets from each other so as not to hurt or shame co-workers. Now, I need to keep this hurtful secret from Jane and that is an unfair burden, as well, to me.

Also, earlier this year, a senior leader of AIER made a speech at a Students for Liberty conference in northwestern Connecticut. From what I have been told by two individuals who I believe have direct knowledge of this situation, this AIER leader invited all the attending students to return to AIER that evening for a party/gathering to be held in the Stone House. From what I have been further told, a large number of these students, some of whom were underage, proceeded to cross state lines to attend this party. I have been told that there was significant alcohol served at this party, that at least some of these students were below the legal drinking age and, additionally, that there was no masking. These visitors then left Campus in their vehicles, perhaps intoxicated, and then drove through our local communities back to Connecticut, placing themselves and others in jeopardy.

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These judgements, circumstances, and events also show a complete disregard for the Covid safety of all others on the AIER Campus, their families, and nearby communities, and an utter contempt for public Covid mandates, policies and guidelines in the Commonwealth of Massachusetts.

Employees, fellows, and interns who do not share AIER's views as published on its website and as practiced on Campus (which through their words and actions publicly advances the position that Covid precautions are unnecessary and foolish) are marginalized and degraded by most of AIER's leaders, making these individuals fearful for their jobs, careers, residency, and reputations. Furthermore, all employees, fellows, and interns, their friends and families, are exposed to Covid risk because of the reckless choices being made by the leaders of AIER. One AIER leader has repeatedly said how he was jealous of another employee who had Covid and further stated "I've been trying to get it since February" and to this same employee, "I wish I could have kissed you so I could have gotten it." During one of our daily staff lunches at which I was present, this AIER leader was openly discussing his strong desire to become infected with Covid and then announced laughingly, "I think we are making Ann uncomfortable." By replying that I was just eating my lunch, I have, in my avoidance of this offensive discussion, now become one of a long list of AIER cocktail party jokes for this AIER leader through what I have been told are his frequent retellings of this story in front of employees, interns, fellows, and visitors, when all are gathered in the living room.

There is another example of sexual harassment and bullying (but also inappropriate sharing of information), that happened to me in the recent past that made me feel very uncomfortable. An AIER leader bounded into my office and announced that he had just received a Skype call he said he assumed was an interview I had arranged with an intern or fellow, but was actually from a young woman who he described as removing her clothes for him on the screen. He just could not control himself, he needed to tell someone so he marched into my office and shared this sexually explicit and inappropriate story with me. Once he had finished, perhaps disappointed by my lack of engagement or reaction, I witnessed him walk from my office to the desk of a young female employee, set in the open public space of the library, and proceed to excitedly repeat the same story to her. This employee subsequently indicated to me how uncomfortable she was with these events having heard him first tell me and then having to hear it again. I suppose that this circumstance is indicative of something I have heard repeated by this AIER leader time and again when he publicly says, "we have no rules at AIER." What am I, and this young woman, supposed to do or think about the information this AIER leader shared with us and the manner in which he shared it?

Finally, there is also another example that was recently shared with me. I understand an AIER leader recently told another employee that an intern would not be working any longer at AIER at the end of her internship because she has not done a good enough job. When is it even appropriate for a responsible party (a

leader of AIER) to share performance information about an intern, fellow, or employee with another employee (except, of course, if there is a direct reporting relationship between the parties or with human resources)? I further understand that this intern has said that she understands that this rejection has less to do with her performance but, instead, is because she does not engage in the excessive drinking that occurs in the Stone House and does not succumb to the bullying, harassment, and other pressures on Campus, and participate in the contrived environment this AIER leader seeks to create.

**Concern #3 (Improper Sharing of Information)**

Inappropriate information is also shared by AIER leaders with employees, interns, fellows, and visitors. That information is personal, offensive, possibly legally protected, and/or related to topics inappropriate for public discussion in a professional workplace. Such actions again make these young people, and me, victims as witnesses to such behavior, feel intimidated, compromised, and fearful for our positions, and/or living arrangements, at AIER, as applicable.

The topics of this sensitive information as I have witnessed, or have been told, and are publicly discussed by AIER leaders, often in quite unflattering terms, include:

- (1) Derogatory statements made about the Board of Trustees and certain members specifically;
- (2) The sex lives, sexual experiences, and the sex partners (and potential partners) of officers and employees, with other employees, interns, fellows, contractors, and visitors;
- (3) A legal cash settlement of \$250,000 paid by AIER to a former visitor which, I fear, is very likely a violation of non-disclosure and/or non-disparagement clauses of any settlement agreement that may exist among the parties; and
- (4) That another contractor/resident of the Stone House (and former intern, to be called "Sofia" for purposes of this letter) did not recently leave the AIER Campus due to "family issues" but left because an AIER leader told her to provide less than truthful information regarding an imminent visit by the Great Barrington Health Inspector if she were questioned by this official about Covid protocols, policies, and practices at AIER.

In addition, on April 14<sup>th</sup>, when I met with this AIER leader in his office, he told me that he did not understand the concerns about the Sofia investigation. He said that it was all just really nothing, that another employee (to be called "Mary" for purposes of this letter) had set off this investigation by reporting Sofia's early morning departure directly to the two of you when "it is really none of Mary's business." He also told me that the reason Sofia hastily left AIER was that a friend back home was talking suicide. This rendition certainly seems

disconnected from the chain of events described in the immediately previous paragraph. Furthermore, I ask, why is he telling me any of this?

Finally, I have been told that an AIER leader poses compromising, sexually explicit questions, opinions, and suggestions about the personal relationships of employees, fellows, and interns, including encouraging intracompany relationships, often made in open group conversations, to which these individuals have told me they feel pressure to not respond honestly because of fears of losing employment and residency. If my role as Academic Programs Administrator requires me "to ensure every visiting fellow, intern, or attendee has the most productive and valuable experience possible," then let me pose this question: how can I properly do that job if an AIER leader is potentially making such statements and exposing fellows and interns to such conversations and circumstances?

Also, from what I have been told, witnessed personally, and/or been the target of personally, this AIER leader pressures women to dress up in and wear fur coats purchased for the Stone House (I understand, with an AIER credit card) and a pearl necklace (which props are accepted socially as highly-sexualized symbols related to expressions of power and/or as slang terms for different sex acts) and then this AIER leader encourages others witnessing these events to join him in proclaiming the beauty of these targeted women. When new fur coats are purchased, they are often brought down into the office and library from the Stone House by this AIER leader to show them off and have female interns, fellows, and staff model. Photos are then taken of these women and then subsequently posted electronically.

#### **Concern #4 (Illegal Religious Harassment)**

An AIER leader told me that he was not happy with one of our visiting fellows being in the Stone House and could not wait for him to be gone from Campus. This AIER leader felt that this fellow was constantly passing judgement, and disapproving of the actions of this AIER leader, and those of others, on Campus, specifically linking this fellow's reactions directly to his Catholic beliefs. This AIER leader then told me that the fellow was over zealous in his religious beliefs, probably reflecting the fact that the fellow was a recent convert to Catholicism. Another intern also reported to me that she had heard this AIER leader say the same thing publicly and was very troubled by this as she was also strongly connected to her faith.

Certainly, my hearing this negative casting of Catholics in such unfair, obviously biased terms, as zealots and the judges of humanity by an AIER leader, makes me feel uncomfortable and harassed in the workplace for my religion, which is also Catholic.

Also of note, there was recently an Easter Egg hunt held on the AIER Campus on Easter morning, a seemingly nice event, for the children of employees and a visiting fellow. Unfortunately, this was not enough for AIER leaders and a Stone

House resident, who simultaneously organized a hunt on the AIER Campus for small bottles of alcohol (nips, "hidden" directly next to the childrens' eggs) for certain adults including several AIER leaders. Are there no limitations as to how these AIER leaders engage with alcohol? How disrespectful of one of the most cherished of holidays celebrated by Christians around the world, and what poor messaging and role models to directly engage in such activities with a group of children in close proximity.

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I have worked in corporate America for much of my career, have done so in roles of significant responsibility in both larger and smaller organizations than AIER, and I believe that I recognize when communications approach the line of what is inappropriate to be shared; sometimes they cross the line and sometimes they approach, but do not cross, the line. There is not a doubt in my mind that these topics and this information, which I believe to be true, have seriously crossed that line and are having a profoundly negative effect on me personally.

Greg and Katy, the majority of these issues and concerns, which, as mentioned, I have previously shared in some form with senior staff in positions having more responsibility than mine within AIER, are causing me significant stress, migraine headaches, loss of sleep, and make it extremely difficult for me to carry out my job, including as related to this area of my work:

"Specifically, the Administrator is responsible for the marketing, communication, planning, and logistics needed to ensure every visiting fellow, intern, or attendee has the most productive and valuable experience possible."

The serious information and concerns I am describing for you in this letter also potentially place me in an uncomfortable situation with my boss at AIER, my co-workers, and interns, fellows, and visitors and potentially expose AIER, its officers, and members of its Board of Trustees to legal liability. I have brought much of this up through typical reporting channels within AIER, but to no avail, and now I feel that there is no other outlet but for me to come directly to you with this information and these concerns. Consequently, I am taking what I consider to be the extraordinary step of putting both of you on formal written notice of these concerns. Please also understand that this information and these concerns are not just about one specific AIER leader; more than one is involved.

My boss tells me not to worry about any of this; and that I should not get involved, and it is not my business, but should just wait for the situation to right itself. I also see and hear that the reaction of other AIER officers and AIER leaders to other employees who have expressed their concerns has been that people at AIER are just going to have to live with it and that it is all "just \_\_\_\_\_ being \_\_\_\_\_." My

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experience tells me that continued inaction, the "turning of a blind eye", in this regard, is mistaken, for AIER and every person involved and I can no longer tolerate the effect all of this is having on me personally.

In addition, Greg and Katy, I want you to also understand that I very much like, in other respects, my job at AIER, and the thought of what AIER should be. I do respect and like so many of the people with whom I have the pleasure of working. I am also very pleased that my boss, and others, have been so complimentary of my contribution over the approximately twenty months that I have been an employee. I believe in the education and research mission E.C. Harwood appropriately set for AIER and believe it is still very relevant and necessary in society today. As was the case when I accepted AIER's offer in 2019, and is still true now, my goals in this position are to do a great job for AIER, an organization I had been, and again hope to be, proud of, and to work for AIER for many years to come.

I do, however, feel that the information and concerns provided hereunder are very serious as they relate to: (i) potential inappropriate behavior, unfair treatment, illegal activities, and legal liability; (ii) the risks to AIER, its Board, its endowment, and reputation from enabling these potential behaviors and circumstances; and (iii) possibly even the jobs of the women and men who support AIER through their hard work every day. These are indeed difficult circumstances. It was not easy for me to write this letter but, I believe it is my obligation to AIER, its legacy and its future, and to its fellows and interns, and others, to make and keep both of you aware of such events, circumstances, issues, and risks.

Also, for the record, my boss told me just two weeks ago that I have done a great job for AIER. He also told me that it had been decided that, in the future, there would be a very limited number of educational programs held on the Great Barrington Campus; that nearly all of these events would, instead, be held offsite. He also informed me that my responsibility as the primary contact for interns and fellows on Campus would be moved to an employee who would soon be relocating to the Great Barrington Campus, leaving me with responsibility for organizing and arranging the process by which visiting fellows and interns are selected, their travel to and from Campus, as planner for the on-Campus and off-Campus educational programs and as manager of the Campus housing chart. My boss further said that it was up to me, but that AIER would be fine if I chose to perform the functions of my job at AIER remotely once this new employee was on Campus. While I am pleased with the compliments and support of my efforts by my boss to date, I confess that I will miss the daily interaction with these amazing young people because that interaction was an important consideration for me when I first accepted this position. Similarly, I took this job because of the potential to be involved on a daily basis in an active, team-oriented, professional office environment. I have asked my boss for a copy of my revised job description reflecting these changes and he agreed to provide that new description to me relatively shortly.

You may well ask, "since Ann will soon no longer be as closely involved with interns and fellows, and she is the person expressing these concerns, has not the problem been effectively solved?" The answer from my perspective is, unequivocally, no; this change in job responsibility does not solve anything for AIER. These issues are egregious, inappropriate and, in certain cases, may be illegal. As proposed, the forum for these young interns and fellows to address issues, or seek recourse for any such grievances, will soon be through the very Research and Publishing Department employing and compensating them. Acceptance of this proposed solution, as opposed to the availability of an unbiased, unconflicted advocate, could well continue to expose AIER, its employees, and, very specifically, these interns and fellows, to the behaviors that this letter seeks to highlight.

Also, please know that I have separately sent a letter to the Director of Human Resources requesting my personnel records as of today for my employment with AIER, which are required to be sent by AIER to my attention at my address within five days of receipt of that letter, as specified in M.G.L. c. 149, Section 52c.

Please also note that I am providing this letter to AIER through you in strict reliance upon the Non-Harassment Policy-2020 of AIER including, without limitation, the requirements described in the following language taken directly from the Non-Harassment Policy-2020:

(1) "All employees should take special note that, as stated above, retaliation against an individual who has complained about illegal harassment, and retaliation against individuals for cooperating with an investigation of an illegal harassment complaint is unlawful and will not be tolerated by AIER;" and

(2) "The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances."

Most importantly, understand that the female residents on campus may be especially vulnerable to any next steps AIER may take with respect to these matters because those next steps might trigger retaliation. If you allow this information to become public then I believe AIER has a direct responsibility to, at the very least, provide a strong physical and emotional presence and support system, and protection, for all the women living on the AIER Campus.

To be completely honest with you, I am writing this letter because it is the right thing to do, but I am also concerned about my safety and the well-being of my family, financially, emotionally, reputationally, and physically. I have taken this important step to help AIER longer term because events appear to have simply gotten out of control. There are undoubtedly people who will not like this letter and I feel AIER, each of you, and the Board of Trustees, have an obligation to

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protect me and my family from retaliation, in any form, particularly, from the individuals whose potential actions have been identified hereunder, but also from the large number of acolytes, both known and unknown, on Campus and remote, who may also be affected or see themselves as victims.

I am sure this letter provides you with a lot of information and details about events that happened based on my firsthand experience, and other events that may have happened (as reported to me by those I believe were involved), on the AIER Campus and elsewhere in the community at least during the time of my employment. Perhaps you already know about all of this. Let me assure you that there are more events and interactions for each general type of concern about which I could have written. In fact, there seem to be several new ones now occurring every day.

If either or both of you would like to discuss the contents of this letter, or these and other events, with me, know that I would be happy to do so.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann M. Grochmal".

Ann M. Grochmal

# MCAD eComplaint Filing

noreply@formstack.com

Tue 2/8/2022 4:31 PM

To: MCADsprecomplaint (CAD) <mcadsprecomplaint@mass.gov>;

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## Formstack Submission For: MCAD eComplaint Filing

Submitted at 02/08/22 4:31 PM

### 1. Introduction

**Choose your role:**

I am a Massachusetts Licensed Attorney filing on behalf of the Complainant

### 2. Attorney / Duly Authorized Representative Contact Information

**Name of Attorney or Duly Authorized Representative:**

Allison MacLellan

**Email:**

amaclellan@maclellanlawfirm.com

**Phone:**

(617) 980-5999

**Business Address:**

377 Willard Street, #236  
Quincy, MA 02169

### 3. eComplaint Filing

**Select the MCAD Office where you want to send your submission:**

Springfield

**Please confirm that the submission includes the following documents in one PDF:**

Notice of Appearance  
Complaint of Discrimination  
Complainant Verification (Complaint filed under pains and penalties of perjury)

**File:**

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**Check this box to indicate that you agree to the MCAD terms and conditions above.:**

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**Attorney / Duly Authorized Representative Signature:**

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